

*George (Clerg)* A *103a*

# DEFENCE

Of the Establish'd

# CHURCH

AND

# LAWS,

IN ANSWER

To a Book Entitul'd, *A Vindication of Marriage, as Solemniz'd by Presbyterians in the North of Ireland.*

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*I beseech you, Brethren, mark them which cause Divisions and Offences, contrary to the Doctrine which ye have learned; and avoid them. For they that are such, serve not Our Lord Jesus Christ, Rom. Chap. 16. Vers. 17, 18.*

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*The Contents see after the Preface.*

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DEFENCE

OF THE EMPIRE

CHURCH

AND



To a Book of the  
Museum of the  
British Museum  
London

Defence of the British Museum  
by the Trustees of the British Museum  
London 1852

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1852

To the Most Honourable

**JAMES**  
**DUKE of**  
**ORMOND**

**HIS GRACE,**  
**Lord-Lieutenant General, and**  
**General Governor of Ireland.**

May it please Your GRACE,

**A** *S the Eminent Services, which  
Your GRACE has rendred to  
the Publick; (and That even  
with the frequent hazard of Your  
Life) do Call for the most grateful  
Resentments of every Honest English-  
Man; And the Great Good You*  
*A z have*

## The Dedication.

have Done and procur'd for this poor Kingdom, and the Church therein Establish'd; no less requires the Thanks and Acknowledgments of every True and sincere Protestant, that now does, or hereafter shall reside within the one, or is, or shall be a Member of the other : So that Generous Readiness which Your GRACE has always shewn, to extend Your Kindness to each Private and particular Person that could have any just pretension to Your Favour, has truly won You the Hearts of all honest and discerning Men, that are duly Apprised of Your Noble Character; and more especially, of those who have the present Happiness (which they long desire to Enjoy) of living under Your GRACE'S Government.

This

## The Dedication.

*This Excellent Disposition and publick Spirit, which has always so signally appeared in Your GRACE, has given me the boldness to lay this small Work at Your Feet; And humbly to beg, Your GRACE's Protection, both for it, and its Author; which (however mean the Performance may be) I promise my self, Your GRACE will not deny; The design of it, being to Vindicate the Established Church and Laws, (of which, Your GRACE has always been so Eminent a Patron) from the Insults of those who would overturn and destroy Them.*

*That Almighty G O D would long Preserve Her Most Sacred Majesty, upon the Throne of these Kingdoms; And continue to make*



# The Dedication.

*Your GRACE, under Her, an Instrument of Good to all Her Subjects, shall be the constant, and earnest Prayer of*

**YOUR GRACE's**

**Most Obliged Humble Servant,**

**And most Dutiful Chaplain,**

***E. Synge.***

# The Preface.

1. **T**HE following BOOK having swelled under my Hands, to a greater bulk than I expected, or propos'd (but yet could not well avoid, where so many perplexities were to be untangl'd, false reasonings to be refuted, Misallegations to be rectify'd, and down-right Calumnies to be Answer'd,) I must be the shorter in this Preface; And therefore shall contract into a very narrow compass, what I once thought in it more largely to have insisted upon.

2. He that is but a little acquainted with the state of the Controversy between our *Establish'd Church*, and those who Dissent from it, cannot be ignorant of the great Out-cries that have been raised against us, for being *Papish*, as it is pretended we are; in-somuch, that ignorant People have been made to believe, that, altho' we have laid aside some of the Corruptions of the *Church of Rome*, yet still we have retained so much of her *Superstition*, if not of her *Idolatry*, as to render our Communion unlawful: And therefore that some, at least, of the same Reasons, that we give for our refusal of the Communion of that Church, may with, almost, equal force be urged against our Selves; And the Arguments that we urge against the *Dissenters*, for separating from us, may, almost, as well be made use of against us by our *Romish* Adversaries. And let but this pretence of *Popery* (by which the People have been so long deluded) be once effectually silenced, and  
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## The Preface.

our Dissenting Brethren will have very little or nothing left to say against us, or in defence of their separation from us.

3. That the reasons why we refuse to join in Communion with the Church of *Rome*, as it now stands Establish'd, will no way countenance the separation of our Dissenting Brethren from our Church, to me seems as plain as any thing well can be. The Church of *Rome* omits something that God has positively Commanded (*viz.* the giving the Cup to the Laity in the Sacrament of the Lords-Supper) and requires several things, from all that will Communicate with Her, that God has positively forbidden; as praying to Saints, worshiping of Images, worshiping the Host, and an explicit profession of diverse Doctrines, which are directly contrary, both to reason and Scripture: Now, *to omit any thing that God has positively requir'd, or to do any thing that he has plainly forbidden*, for the sake of holding Communion with any Church in the World, *we hold to be absolutely and altogether unlawful*. And therefore, as matters now stand, we cannot, with good Conscience, join in Communion with that Church, which will receive us upon no other terms than these. But tho' our Dissenting Brethren have often been urged to produce any *Law of God*, (which is the only rule of Good and Evil) whereby it may appear, either, that our Church omits any thing which God Commands, or requires any thing that he forbids; they never yet have been able to do it: But, instead thereof, they only amuse the people with obscure notions of *mystical Rites, significant Ceremonies, Sacraments of humane Institution*, and such like Fancies (all which they call *Popish*) as are beyond the Capacities of the generality of Men. Nor cou'd I ever yet find, that any of themselves have given so much as a plain Definition of any of these things

## The Preface.

things that they so cry out against; much less, that they have clearly and solidly proved the *unlawfulness* of any thing which our Church prescribes, upon any such accounts as these: And methinks, I wou'd gladly have a plain and direct Answer from them to this Question, *viz.* Whether it be a sufficient reason to renounce the Communion of any Church, that she prescribes some things which are *Papish* (*i. e.* used and practised by the *Papists*) altho', otherwise not unlawful, that is to say, not contrary to any Law of God?

4. On the other side, it is, I think, no less evident, that the Ground upon which we press our Dissenting Brethren to Conform to the *Establish'd Church*, cannot give the *Papists* the least advantage against us. We say, indeed, That *To lawful Authority Commanding nothing but what is lawful, Obedience is due from all such persons as reside where that Authority has right to take place* (which Proposition, I believe, will hardly be deny'd; or, if it be, may most easily be proved: ) And farther, we say, that *the Authority by which our Laws, that relate to Ecclesiastical Matters, are made or Confirmed, is a lawful Authority, and has a right to take place within this Kingdom.* Upon these two Principles we judge, that all who reside within this Kingdom, are in Conscience bound to Conform to our Church, which is by Law (and under God, the Supreme) *Authority Establish'd*, except they can prove that something *unlawful* is by our Church requir'd; and for the Proof of this, they must produce (not a few hard Words, obscure Fancies of their own, but) some plain *Law of God*, which is the only Supreme Test of Good and Evil, *lawful* and *unlawful*: But still we deny, that we are under any Obligation to submit to the *Laws of the Church of Rome*; not only, because she

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## The Preface.

Commands things that are *unlawful*, but also, because that Church, even in things that may be *lawful*, has no *lawful Authority* over us, who live in another Country, where she has no manner of lawful Jurisdiction.

5. If our Dissenting Brethren would seriously consider these things; and in their Disputes with us, stick to this (which is the only true) state of the Controversy; the matter wou'd easily be brought, not only to a short and plain issue, but also, I think, to a speedy and satisfactory Determination. For, the Law of God being plain and easy to be understood; it will soon upon enquiry, be found whether our Church omits anything which that Law requires, or prescribes anything which it forbids: And, according as this appears to be one way or other, so will it evidently follow, either, that Conformity to our Establishment is a *Sin*, and therefore not to be submitted to on any account; or else *lawful*, and therefore in Conscience to be embrac'd, by all who live under the lawful Power, by which the Establishment was made; not only for Peace sake (which yet alone is enough to make it a Duty) but also in Obedience to the Command of God, which requires all Men to be obedient to lawful Authority. The Application of this to the present Controversy, concerning our Form of Marriage, is so easy, that I shall leave the Reader to make it.

6. Nor will I detain him longer, than to tell him that I Undertook this *Defence*, meerly in obedience to the Commands of some Persons, to whom I justly owe a great Deference (having not otherwise had the least thought of it.) That I have thoughtfully weigh'd every thing I have deliver'd in it, (albeit perhaps, my Expressions may not be as Accurate and advantageous as I cou'd wish they were,) And

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## The Preface.

Therefore, what ever defects shall be found, either in the Matter, or Argument, must be ascrib'd wholly to my want of *Judgment*, and not of *Care*. That the finishing of it has been delay'd by diverse accidents, which is the reason that it comes out thus late. That some sharp Expressions, which he will find in it, are not the effect of *Passion*, but choice; as being justly due to the great Unfairness of the Author, with whom I have to deal. And lastly, that I am, and always shall be ready to Retract (and that publickly) any thing that I have Written, when ever I shall be convinc'd, that I am in the Wrong:

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## ADVERTISEMENT.

After the greatest part of these Papers had been Transcribed for the Press; I was Inform'd, that an Answer to the same Book, that I have here Undertaken, was then newly Published. Had the Reverend Author of that Answer, thought fit to be as large and Particular, as he is Judicious and Pithy in that Work, it shou'd, and wou'd have stopt me from sending what I had Writ abroad into the World: But finding, that I have largely insisted on several things which he has not at all, or but very lightly touch'd upon; I have, with the Advice of some Judicious Friends, proceeded in what I at first designed. But I must acquaint the Reader, that in this short Answer, he will find several useful things which he'd that did not occur to my Thoughts; And therefore I would not have this Book to put him by from Reading of that.

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# THE INTRODUCTION

Sect. I. **T**HE Dispute between  
this Author and the  
*Establish'd Church*;  
if rightly stated and  
handled, would, I  
think, turn altogether  
upon these two Points. *First*, How  
far the *Presbyterians*, or any other *Dissen-*  
*ters*, are justly punishable for Contracting,  
or Solemnizing Marriage in another way,  
than what is Appointed by our *Establish'd*  
Laws? And, *Secondly*, How far Marria-  
ges, so Contracted and Solemnized, may  
be lookt upon as *void*, or so Declared, by  
any Judge, before whom such Causes are  
Cognoscible? To both which Questions,  
if a clear and full Answer be given, it will  
presently appear, either that the Objecti-  
ons against us, in this case, are good and so-  
lid;

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lid; or else, What answer is to be given to them. That therefore I may not only give a Reply to what is offer'd in this particular Book, but also set the whole Controversy in as clear a Light as I am able; I shall search into the very foundation of the Matter, and enquire;

First, *What those Laws are which God himself has made concerning Marriage?* I mean only, as far as the knowledge of them may conduce to the clearing up of the present Dispute.

Secondly, *How far, and upon what account, either a Christian Church, or a Civil State, may make Laws or Constitutions about it?*

Thirdly, *What penalties may be Appointed, and accordingly Inflicted, for the effectual enforcement of such Laws or Constitutions?* And,

Fourthly, *How far Marriages Contracted and Solemnized, otherwise than is Allow'd by such Laws or Constitutions, may be lookt upon as void?*

And, When these four Things are sufficiently cleared in the General; and as the Matter may Concern all Churches and States

States whatsoever; the Answer to the two first Questions propos'd (wherein Our own Church and State are particularly Concern'd) will follow of course; and such a farther Light be thereby given, as, I hope, will shew us what Judgment is to be made of every material Passage that accurs in the whole Book, which now I have under my Consideration.

Sect. 1. *First then, The Laws now in Force, which God himself has made concerning Marriage, (as far as our present Occasion leads us to enquire into them) are these that follow.*

1. *That Man and Woman may not carnally join, or couple themselves together, except first a mutual Agreement, or Covenant, be made between them, to continue together as Husband and Wife, according to God's Ordinance and Appointment: Which Covenant or Agreement, duly made and Ratified, is what we call Marriage or Matrimony.*

2. *That Marriage must be between one Man, and one Woman only; plurality of Wives, as well as Husbands, at the same time, being forbidden under the Gospel.*

3. That, *Persons within certain degrees of Consanguinity, or Affinity, prohibited in the Holy Scripture may not Marry* : For that there is even a natural turpitude in the Marriage of Persons that are very near of Kin, appears from the Sense of all Civiliz'd Nations, concerning this Matter, and particularly, from what *St. Paul* says, *1 Cor. 5. 1.* concerning a Man's having *his Father's Wife*. But since all do Allow that this is not to be extended to the more distant and remote Degrees of Relation; it is not possible for us to take a better rule to walk by in this Affair, than that which God expressly gave unto the People of *Israel*.

4. That, *The Husband and Wife must be loving and faithful each to the other.*

5. That, *The Bond of Marriage, once Tyed, is not to be dissolved, or loos'd (the case of Adultery excepted) until the Death of one of the Parties leaves the other at liberty*; altho' some cases may be Assign'd, in which, Necessity gives an Allowance to one of the Parties to withdraw from the other, until such time as it may be safe for them to cohabit again, as formerly : But  
 whe

whether any other Cause, except Adultery, will justify a second Marriage, before the first is Dissolved, by the Death of one of the Parties, I have no occasion here to enquire.

Sect. 3. These I take to be the Chief Laws of God, concerning Marriage, that will have any Influence upon our present Controversy : Nor have I thought it necessary long to Insist upon them, or to make use of any great Proof or Reasoning about them; because, however they may be slighted, or even Deny'd by *Atheists* or *Infidels*; yet, they are all of them freely owned, and Received by those to whom I am now Addressing my self. I proceed therefore to the

*Second Thing propos'd here to be enquired into; that is to say, How far, and upon what Account, either a Christian Church, or a Civil State, may make Laws or Constitutions about Marriage?*

Sect. 4. And here in the first place, I take it to be very Evident, that *the careful Observation of the above-mentioned Laws of God, concerning Marriage, is absolutely necessary, in order to the promoting of*

*God's Glory, the good of Religion, and the general Benefit and Advantage of Mankind in the World* : For if Men and Women were permitted to couple themselves together, as wild and wandring Lust should encline; and without any compact of Marriage between them : If every Man and Woman were suffered to take as many Husbands and Wives at once as they should please : If the nearest Relations should make no Conscience of Marrying, or the Husband and Wife of being Loving and Faithful each to the other; And lastly, if persons that were lawfully Married should assume to themselves a liberty to forsake one another, either for no other reason but their own Fancy, or upon any little Quarrel and Discontent, and to Marry others; If all, or any of these things, I say, were countenanced or allowed among Christians, every one may easily see (besides the *Offence* in breaking God's Laws) what confusion

Through breaking the Law Dishonourest thou God? For the Name of God is Blasphemed among the Gentiles through you,  
*Rom. 2. 23, 24.*

and distraction, what strife and contention, and above all, what scandals and reproaches upon Religion  
 (even



(even to the dishonouring of God, and blaspheming his Holy Name) would hereby immediately be brought into the world. Very often Fathers would not know their own Children, and consequently would take no care of their Education: Children upon a Divorce, would be so divided between their Parents, as not to be able to perform their Duty to both of them: If Husbands and Wives once began to grow a little strange in their Affection, either to the other, or to conceive an inclination towards any other person, a thousand pretences would presently be found to part with one another, in order to engage in new Vows; and the same practice again and again repeated, as often as lust or passion, or even a phantastick Humour should lead them to it: Families would be unsettled and broken to pieces; the descent of Estates perplexed and controverted; and in a word, such a deluge of inconveniences and evils let in, both upon the Church and State, as must in a little time inevitably overturn and ruin them both together. For the avoiding of all which, there is plainly no other way, but a strict adherence to

and observation of the above-mentioned Laws of God concerning Marriage.

Se<sup>c</sup>t. 5. In the second place, *That every Society has a power to make Laws and Constitutions within it self, and to enforce them with such penalties, as in themselves are reasonable, and the Society have power to inflict* (always provided, that nothing be enacted, nor any penalty appointed, which is contrary to a superior Law or Obligation, under which the Society already lies) is what no Man can deny, except he will say, that it may be unlawful to do a thing, tho' no Law forbids it, which is a contradiction in the very Terms. Thus every Corporation has a power to make *By-Laws* for their own Regulation, and to inflict such penalties upon the Breakers of them, as are not contrary, either to the Laws of the Land, or the Charter by which they are embodied into a Society. And that every Christian Church has in like manner a power of making such Rules as tend to *Edification, Decency, and Order*, is evident, not only from the very nature of such a Society, which requires it, and the practice of all particular Churches, which

which have always found it necessary to exercise it (as appears from their several Canons and Constitutions, and even from the Directory and Discipline of the *Presbyterians* themselves) but also from the express Words of St. *Paul* himself, which do very plainly suppose it. His command to the Church of *Corinth* (which implicitly extends to all other Churches) That *all things should be done to Edifying*, 1 Cor. 14. 26. and *Decently and in Order*, v. 40. being plainly inconsistent with it self, except we suppose such a power to be in every Church, as I have but now asserted. For if, not the Church, but each particular Man is to determine for himself what are the things that tend to *Decency, Order, and Edification*; it is morally impossible but the various Fancies, and sometimes prejudices, of Men, concerning such things as these, must needs lead them into such confusion and disorder, as would not only be contrary to *Decency*, but many times also destructive of *Edification*. And (to give no more instances in so plain a Case) either every Kingdom and Civil State must have a Power, under the above-mentioned limitation

limitation, to make Laws, and enforce  
 them with penalties, for their own good  
 Government, or else not only even all *Chri-  
 stian* Kingdoms and Common-Wealths  
 (who have always exercised this power)  
 have ever been in the wrong, which is very  
 hard to suppose; but also Magistracy it self  
 (the particular sorts of which are not ap-  
 pointed by the Divine Law, but left every  
 where to the Laws of each Country) must fall  
 to the Ground, and all Civil Government be  
 thereby for ever abolished. If all Men  
 indeed, were wise enough thoroughly to  
 understand all God's Laws, and honest e-  
 nough always to regulate their practice ac-  
 cording to them, without any outward  
 force or compulsion; there would be very  
 little, or perhaps no need, either of any  
 humane Laws, or any sort of Magistrates,  
 or Officers to put them in Execution. But  
 since many of the Laws of God are concei-  
 ved in such general Terms, as only to ex-  
 press the *Substance* of what is commanded  
 or forbidden, without determining the  
*Circumstances* of things (which yet some-  
 times are necessary, one way or other to be  
 Determined, to avoid Confusion) since  
 many

many Men have not understanding enough to apply such general Laws to particular cases; many pretend ignorance, altho' they very well know what they ought to do; and many more make little Conscience, either of learning or practicing their Duty: It is absolutely necessary, in order to the preservation of Regularity, Peace, and even Morality it self; That in every Society, whether Ecclesiastical or Civil, there should be a power to make Laws and Constitutions within themselves, (but always with a Subordination to all Superiour Laws) as well for the Regulating of many circumstantial things which God's Law has not Determined, as also for the making a strong Fence about the Laws of Piety and Morality, that the hope of impunity in this World may not encourage those, who think but little of the next, to break in upon them.

Sect. 6. If then, both Church and State have such a power of making Laws and Constitutions within themselves; there is no Christian certainly, in the third place, but what will own, *That they ought to make use of this Power, in such a manner, as*  
*may*



*may be most conducive to the Glory of God the Good of Religion, and the General Benefit of Mankind.* The promoting of these things being the very end for which both these Societies are ordained and appointed. From whence, and from what I have laid down, *Sect. 4.* it necessarily follows, That *every Church and Civil State are obliged,* according to this their Power, to make such Laws and Constitutions, as they find to be necessary, for the enforcing of the above-mentioned Laws of God concerning *Marriage, and punishing the Breakers of them.*

*Sect. 7.* The first Law or Constitution that ought to be made, by every Church or State, concerning Marriage, is to fix and publish a certain Rule, whereby it may at all times be known who are Married, and who are not so, without which, it is not possible for any Humane Authority to enforce the Laws of God concerning Marriage, or in many Cases to judge, whether or no, or how far they are Broken. As for example, if a Man and Woman are accused of living together in Fornication, and they pretend that they are Married: Or,  
if

a Man without Cause forsakes his Wife and Marries another, alledging that he was not Married to the first Woman: How is it possible for any humane Judge to determine, whether either of these persons have violated the Laws of Marriage in what they have done; if there be not a certain and known Rule by which he is to Judge, whether such persons were, or are really Married?

Sect. 8. Again, since persons within such certain degrees of Kindred, are by the Law of God forbidden to Marry, as I have said, *Sect. 2.* and consequently a Marriage made between such persons, is in it self null and void. The Second Law or Constitution that ought to be made concerning Marriage, should be to declare and enact, *That no Persons within those Degrees, should be allowed to Cohabit together as Man and Wife, or enjoy the Rights and Priviledges that belong to Married Persons.*

Sect. 9. In the next place, since Marriage consists in a Covenant duly and mutually made and enter'd into, by and between the persons Married; as I have said, *Sect. 2.* and

and consequently, where no such Covenant has been made, there cannot be said to be any Marriage : The third Law or Constitution that ought to be made, concerning this Matter, should be *to fix some certain rule, whereby it may always be known whether a true Matrimonial Covenant has past between Persons, or not.* For if there be not some certain way to know whether such a Covenant has been made; where it is pretended, on the one hand, or would be avoided on the other : It will not be possible (when there is Occasion) to Determine who are Married, and who are not so; the consequence of which, will be, that no humane Authority will be able to enforce the Laws of God, concerning Marriage, as I have shewn, *Sect. 7.* And every Man must be left at liberty, to observe or break them as he pleases, without incurring the danger or censure of any Penalty from any humane Tribunal.

*Sect. 10.* Since the reality of every Covenant consists in the mutual intention of the Parties, to enter into such a Covenant, and that Intention signify'd to each other by Words, or some other signs that are sufficient

cient for the purpose; since no humane  
 dicature can take Cognisance of any mat-  
 or determine any thing in it, any far-  
 er than it is made to appear by sufficient  
 oof; and since, in many Cases, it may  
 very hard for a Man to Determine, whe-  
 er or no a Matrimonial Covenant has  
 en truly made; as well for want of suffi-  
 ent Witnesses, as by reason of the uncer-  
 ntly of the Words or Signs, whereby it  
 ay be pretended that an intention of  
 entering into such a Covenant was exprest  
 signified: The Fourth Law or Consti-  
 tion that ought to be made in this Affair,  
 ould be, *To prescribe a certain Form and*  
*Method for the Joyning of Persons together*  
*in Marriage* (of which all that are concern-  
 ed, must take notice at their Peril) *And*  
*Enact, That all Persons who* (being un-  
 der no Impediment by the Law of God)  
*are joyned together, according to this Form*  
*and Method, shall be judg'd to be Married;*  
*and all such as are not thus joyned, shall*  
*in the eye of the Law) be reputed as not*  
*married:* At least, until they have made  
 sufficiently to appear, before such Per-  
 sons as the Church or State have empow-  
 ered

ered to take Cognizance of such things that they have, some way or other, entered really and firmly into such a Covenant as the Law of God requires between those that are Married. For if such a certain Form and Method as this be not thus prescribed and appointed ; it may, in many Cases, be very difficult, and sometime altogether impossible, for any humane Judicature certainly to Determine, whether a Matrimonial Covenant has truly been made or not; and consequently, whether or no such or such Persons are really Married or not; without which (as I have shewn *Sect. 7.*) they can never, as their Duty requires, enforce the Laws of God concerning Marriage; but must leave the Observation of them to the private Conscience of each particular Person, with very little or no Restraint upon them from any humane Law or Constitution, whether Civil or Ecclesiastical; and thereby expose them to all the Temptations of Humour or Passion, Lust or Interest, to violate the Laws of Marriage; which (considering the Corruption that prevails among Men) would presently open a Gap to let in all these Evils that



have mentioned, *Sect. 4.* which certainly it is the Duty, both of Civil and Ecclesiastical Governours, as much as they can, to keep not only out of the Church, but out of the Common-Wealth also.

*Sect. 11.* As for example, Let us suppose that no certain form or method were prescribed for the joyning of persons together in Marriage; and consequently, that those, who should design to enter into that State, were left altogether to their own prudence, to contrive methods and words of their own (as every one should think best) for the confirming and sure-making of the Marriage Covenant; How easy, in many cases, would it be for Men of much craft and little Conscience to deceive poor Women, and make them believe they had married them, when really they had not so done, or, at least, the thing could not sufficiently be made appear in a Court of Justice, in case it should come to be there contested. The words of the pretended Marriage Covenant might be imperfect; doubtful; or fraudulently contriv'd on purpose; Or the Witnesses might be incompetent, not able to remember the Words

that past, not agree in their recital of them or perhaps brib'd, or over-awed by one or other of the Parties: And what good ground could any Judge have for his definitive Sentence, in the midst of so many uncertainties? In a Word, as the business of a *Contract* when it comes to be Scann'd at Law, proves often to be a thing of great doubt and perplexity (the Reason of which is, because there is no certain method or form of Words prescribed for Contracts, as there is for Marriage: So would the case be the same with relation to *Marriage*, if there were not a certain Form prescribed for it. And as it has been found no very difficult thing by such Arts as I have mention'd, to elude a *Contract*; so would wicked Men, upon every occasion, be encouraged to try, by the same ways, to make void their Marriage if the Law of the Church and State has not contrived the matter so, as to lay a stronger and surer Tye upon them; of which the Learned Dr. *Ames* (whose Judgment I believe will weigh something with the *Presbyterians*) was so sensible That he concludes, that *because most gra*

vous inconveniences do  
 follow from such Mar-  
 riages, (viz. such as  
 are Clandestine) as un-  
 lawful Conjunctions,  
 Discord, Dissolution  
 of Marriages that  
 have been Contracted,  
 &c, Therefore, in a

Court of Justice, Matrimony that is really  
 clandestine, is justly to be lookt upon as Null  
 and Void. It is true indeed, The Dr.  
 gives but a short and imperfect Definition,  
 & Explication of a Clandestine Marriage.  
 But where there are Laws fixt and settl'd  
 concerning Marriage, I will appeal to eve-  
 ry Man's Reason, whether in a Court of  
 Justice every Marriage, which the Law  
 allows not, nor is any way privy to (that  
 is to say, is neither Celebrated according  
 to the form and method prescribed by Law,  
 or sufficiently proved to be valid before  
 the proper and lawful Judge) is not to be  
 counted Clandestine? Or what other fixt  
 and certain Rule any Judge has to distin-  
 guish Clandestine Marriages from such as  
 are not Clandestine, so as to give no way

Quia gravissima incom-  
 moda ex istiusmodi Ma-  
 trimoniis consequuntur; ut  
 illicitæ conjunctiones, dis-  
 cordiæ, solutiones Matri-  
 moniorum Contractorum  
 &c. Idcirco in foro ex-  
 terno, Matrimonium pla-  
 ne Clandestinum jure ha-  
 betur pro nullo. Ames. De  
 Conscientiâ. L. 5. C. 36.  
 Sect. 6.

to those *grievous inconveniences* which the Dr. has mentioned. And thus I have done with the second thing proposed to be handled, which was, to enquire *how far either a Christian Church, or a Civil State may make Laws or Constitutions about Marriage.* I proceed therefore to the

Sect. 12. Third thing to be considered namely, *what Penalties may be appointed, and accordingly inflicted (upon Offenders) for the effectual enforcement of such Laws and Constitutions.* And here shall only need to set down the general Rules necessary to be Observ'd by all Societies, in appointing and inflicting of Penalties, and then the particular application of them to our present Subject, will be most easy and Obvious.

Sect. 13. First then, *No Society ought to appoint or inflict any Penalty upon any sort of Offender, beyond what they are (expressly or implicitly) empowered, or permitted to do by the Laws of God, or those of any other Legislative Power, to which in that Affair, They are Subject and Subordinate.* This is plain, because no Man, or number of Men, can have a right to do

ny thing, or lay themselves under any Obligation that is contrary to a Superiour Obligation that actually lies upon them.

Sect. 14. Secondly, *No Society ought to appoint or inflict any Penalty, but what bears some fair proportion to the Quality, or consequences of the Crime*, for the punishing and preventing of which, such *Penalty* is Ordained. And as this *Proportion* ought, in all Cases, to be Stated and Settled according to the Rules of Equity, and the exigencies of the publick; so to extend the same would be an exorbitance in the Legislature, and an abuse of the power committed to them. But then I must add, that every Legislature is accountable for all the Laws it makes, and penalties which it Enacts, (not to private and particular persons, which would bring in endless Confusion) But only to Almighty God, or else to such Superior Authority, as upon Earth is lawfully plac'd over them.

Sect. 15. Thirdly, *Where a smaller penalty is sufficient to suppress a Crime, or to make a full Recompence for the evil Consequences of it, a greater ought not to be appointed.* For this would be contrary to the



Law of Charity. *But where a small punishment is found to be ineffectual to either of these purposes, a greater ought to be Ordained and Inflicted;* Respect being always to be had to the publick Good, which is to be the great Rule to all Law-Makers.

Sect. 16. *Fourthly, A Christian Church,* even before its incorporation into the Civil State, *may, for a penalty upon such as obstinately continue in the Violation of Her wholesome Constitutions, exclude them from Her Society, and visible Communion;* and much more, surely may she do the same when her Power is strengthen'd, and Confirm'd by the Civil Authority. That the Church, *as such,* can inflict no greater Punishment than this, is on all Hands Allow'd: And that she may lawfully, in this case, inflict this punishment, is a necessary consequence from the Power which I have shewn, *Sect. 5.* to be in every Society, to make Laws and Constitutions within it self. For such a Power were altogether vain, and to no purpose (that is, in effect no Power at all) if the Society were still oblig'd to retain such Persons within her self (and allow them the privileges

leges and benefits of her Community)  
 should obstinately refuse to give Obe-  
 dience to such her Constitutions and Laws.  
 That the Church has a Power within it self,  
 of making Rules for Edification, Decen-  
 cy, and Order; I have shewn from Rea-  
 son, Scripture, and the practice of all Chur-  
 ches, to be an allow'd part of the Chri-  
 stian Doctrine, *Sect. 5.* and St. Paul ex-  
 pressly directs, that such Persons *as cause*  
*Divisions and Offences, contrary to the Do-*  
*ctrine which Christians have learnt,* should  
 be markt, and avoided, Rom. 16. 17.  
 And again, that we should *withdraw our*  
*selves from every Brother that walketh dis-*  
*orderly, and not after the Tradition recei-*  
*ved,* 2 Thess. 3. 6. and Vers. 14. *If any*  
*Man, says he, obey not our Word by this*  
*Epistle,* (and there is the like reason, in case  
 of Disobedience, to any other Constituti-  
 on, either made by an Apostle, or by the  
 Church, in pursuance of an Apostolick  
 Direction, or by any Spiritual Authority,  
 lawfully Empower'd) *note that Man, and*  
*have no company with him.* If then a Chri-  
 stian Church, makes any wholesome Con-  
 stitutions concerning Marriage, for De-  
 cency,

cency, Order, and Edification's sake : Whosoever shall obstinately refuse to be Conformable and Obedient to such Constitutions, may by the Church, it self, be so far punished, as to be separated and excluded from her Communion.

Sect. 17. Fifthly, *Where a Civil Legislature makes any Laws concerning Marriage, (or any other thing which is of concern to the State) that are not contrary to any Law of God, they may lawfully enforce such Laws under whatever penalties they shall think fit* ; provided they keep within those limits that I have mentioned, Sect. 13. 14. 15. For excepting the Laws of a Superior Authority, and the publick Good, which all Men, and all Societies are oblig'd to promote; there neither is, nor can be any restraint upon those who have a Power to make Laws, but they may Ordain and Enact whatever they shall think fit.

Sect. 18. Sixthly, *When, upon just and mature Deliberation, a Law is made, and a Penalty appointed for the breakers of it; the Penalty ought accordingly to be inflicted upon those who wilfully offend against it* : For as a Law without a Penalty, express'd

is implied in the body of it, is imperfect and insignificant, so the bare enacting of a Penalty, without inflicting it upon those who break the Law to which it is annex'd, serves only to render both the Law, and the Authority of those who made it altogether contemptible. And thus much might suffice for the Third thing propos'd, which was to consider, *what penalties might be Appointed, and accordingly inflicted, for the effectual enforcement of such Laws or Constitutions, as shall at any time be made by a Church or State concerning Marriage.*

Sect. 19. But here it will be objected; suppose that some certain Persons, who live within the Territories, and consequently under the power of any Government, are in their Consciencies perswaded, that the Form appointed by that Government, for the Celebration of Marriage contains some things in it that are unlawful, and which a good Christian ought not to conform to; and the Government will not allow the alteration of their Form, or the omitting of those parts of it that are contested and refus'd; must such Persons as these, want the benefit of God's Ordinance, and  
be

be expos'd to all the evils of a forced Celibacy, only because they cannot with a safe Conscience, submit to some certain humane Institutions; or, if judging it their duty to Marry (as doubtless in some cases it is a Duty) they do venture to join themselves in Marriage, according to the Laws of God alone, without taking any Notice of the Laws of the Church or State; must such Persons as these, be prosecuted and punished as Offenders, only for following the Dictates of their Conscience, without the least Damage thereby done to any Person whatsoever? To this Objection, which I have endeavour'd to propose in its full strength, I shall return as full and impartial an Answer, as I can; and that in the following particulars.

Sect. 20. First I freely Grant, That *whosoever is fully perswaded of the unlawfulness of any humane Institution, ought not upon any account, to conform himself to it; but is bound in Conscience to Obey what he is convinced to be the Law of God, rather than the Laws of any Man or Men whatsoever, Act. 5. 29.* But here we must take Notice, That nothing ought to be lookt



lookt upon as a *full perswasion*, except it  
 be built upon clear and solid Evidence,  
 and the person, who pretends that he is  
 thus *perswaded*, must have some good and  
 satisfactory Reason, why he is so; or else  
 what he calls a *Perswasion* will really be  
 no more than a bare *Prejudice*, or a meer  
 Fancy or Imagination. If then Humane  
 Authority commands any thing to be done,  
 and a Man is able to produce any Law  
 of God which, either *expressly*, or by a  
*clear and rational Consequence*, appears to  
 him to forbid the doing of it; such a Man  
 as this, as long as he remains under this  
*Conviction*, or *perswasion* of mind, ought  
 not to do that thing which is so command-  
 ed, let whoso will require it from him.  
 But, on the other side, if he has no other,  
 or better Reason for not doing this same  
 thing, but only that he has been a long  
 time taught, that it is unlawful; but yet  
 cannot tell why; or that he has heard some  
 Arguments or Texts of Scripture urg'd on  
 this Occasion, which (altho' he does not  
 well understand them) have, yet, begot  
 some doubts, or rather *scruples* in his Mind,  
 concerning the Lawfulness of it : Such  
 sort

sort of prejudices, or weak imagination as these, will by no means, excuse a Man from giving Obedience to the Commands of lawful Authority. For *where plain and exprefs Law of God requires anything from us, nothing can excuse us from doing that same thing, except there appears as plain, and exprefs a Declaration of the Will of God that we should not do it.* Now the Law of God, that binds us to give Obedience to lawful Authority, is as plain and exprefs, as well can be, *Rom. 13. 1. Tit. 3. 1. 1 Pet. 2. 13.* If then the Prejudices, Doubts, or Scruples, which would hinder us from giving such Obedience, are, at best, but dark and obscure : And if upon a full consideration of the Matter, we are not able to discover as exprefs and good a Warrant for not Obeying, as we have a Command given us to obey lawful Authority ; all such prejudices, doubts, and scruples, cannot have sufficient weight to overballance so plain a Law of God, and of such Consequence, as that which I have but now made mention of. Let those Men therefore, who reject and refuse that form of Celebrating Matrimony, which is  
by

by Law Establish'd, consider well what clear and sufficient Grounds they have for so doing. And let all that are in Authority, Civil as well as Ecclesiastical, seriously consider what will become of the Order, Settlement, Peace and Security of the State, as well as Church; if this be allow'd as a principle fit for every Man to act by, viz. that Obedience is not to be given to humane Laws, (by what Authority soever Establish'd) where a Man has any doubts, or scruples, however obscure and perplex, concerning the Lawfulness of such Obedience : For altho', at present, this principle is made use of, only in opposition to the Establishment of the Church; yet, if it be not timely discouraged, and checkt in its Growth, it may, by designing Men, (who can put strange Notions into the heads of the People) be as effectually levell'd against the Civil State also.

Sect. 21. Secondly I grant, in like manner, *That such persons as are fully perswaded of the unlawfulness of any Established Form, any where appointed by Law, for the Celebration of Matrimony, may yet with a safe Conscience enjoy the Benefit of*  
 God's

God's Ordinance, and *joyn themselves in Marriage in such a way as they judge to be lawful.* Provided always, That the mutual Covenant, or Agreement, in which the Essence of Marriage consists, *Sect. 1. N. 1.* be not Omitted. But then I must add, That if any part of the legal Institution be such, as that with a good Conscience they may submit to it; they ought to shew their Obedience to Authority; by conforming thereunto; as far as Lawfully they may. As for example; suppose that where a Church or State is settled; it be, amongst other things, by Law appointed that, before any Marriage be Celebrated, Publication thereof shall first be made at such a certain place, and so many several times; or else, that a Licence shall be taken from such certain persons as the Law has appointed to Supervise, and take care of these Matters: If there be nothing in thus much of the legal Establishment, but what they own they may Lawfully submit to; it would plainly argue, not any tenderness of Conscience, but a wilful opposition to lawful Authority, if such persons should presume to joyn themselves in Marriage,

riage, without such a Publication first made, or Licence taken.

Sect. 22. Thirdly, as I am of Opinion, that all Men that make Laws, ought ever to be careful, not to annex such a Penalty to any Law as may be too Rigorous, and beyond proportion to the Fault committed; and that they who put Laws in Execution are bound in Conscience to be as favourable, as lawfully they can, to all those whom they judge to Offend not out of wilfulness or evil Design; but purely out of mistake or weakness of Conscience: So do I take it to be very evident, That *the bare Plea of tenderneſs of Conscience, ought never wholly to exempt any Man from Punishment, who has Transgressed any Law that has been made by a ſufficient Authority.* For if this Plea be once admitted as Good; it will thereby be put into the power of every Man at his pleasure, to withdraw his Obedience from any, or all the Laws of the Land. And if some Men have a mind wantonly to insult over a legal Establishment, and others to make a party in Opposition to the Church or State; who can hinder them from pretending, that what they



they do contrary to the Laws, is only out of *Tenderness of Conscience*? And how can any Magistrate (who knows not the Heart of Man) take upon him, to Convict them of Falsification in this their Pretence?

Sect. 23. But if they who thus Marry, otherwise than by the Establish'd Form, do thereby no Hurt or Damage to any Person whatsoever, why should they be Punished? I answer, that tho' no present evil may seem to arise, or damage to be done to any Person by the Transgression of a Law; yet thereby it may be, that a Gap may be opened to such future Mischief as may prove to be of extraordinary ill consequence, and therefore ought beforehand to be prevented. As for example (besides the great Evil of suffering any Law to be despised and trampled upon, which ought always to be considered) if some Men take upon them to Marry, otherwise than the Law allows, and no Punishment be to be inflicted upon them for the same; why may not all others that please take the same liberty? And if these Men use a Form in this case, which has no other Establishment but their own Approbation; why may

may not all others invent forms for themselves according to their own Mind? And if Matters once come to this pass, the consequence must be, that all persons must remain expos'd to all those Deceits and uncertainties in the business of Marriage; which I have already shewn to be the Duty both of Church and State, as much as in them lyes to prevenr. One Gap in the enclosure of a Law, may perhaps, be so narrowly watch'd, as that no great inconvenience may enter. But if one Party have liberty to break the Fence; Why should the same privilege be deny'd to others? and to what purpose serves such a hedge, as gives every body a free passage to pleasure?

Sect. 24. And thus I have given a full and clear, and, as I think, a fair and moderate Answer, to the only Objection that seems to press hard against all Establish'd forms and Methods, for the Contracting of Marriage. I proceed therefore to the fourth and last thing propos'd, *viz.* to inquire *how far Marriages Contracted and solemnized, otherwise than is allow'd by such Laws or Constitutions as are therein*  
D made

made by Church or State, *may be lookt upon as void.*

SECT. 25. And First, Marriage being an Ordinance of God, and having its foundation in his Law; and the great Design of both Ecclesiastical and Civil Laws concerning it being, as it were, to make a fence about God's Law, the better thereby to keep it from being broken (as I have already suggested, *SECT. 6. &c.*) as every pretended Marriage that wants any thing which by God's Law, is required to the making or compleating of a Marriage, is really no Marriage at all; as having a defect in its very Essence and Foundation. So, *where everything, which, by the same Divine Law, is required to the making and confirming of a Marriage, has past between Persons, by that Law, duly qualified to contract Marriage, such Persons are really and truly Man and Wife before God, and consequently under an Obligation, as such to continue one with another, according to the Laws of God, until Death shall part them; for they who are thus Joined together, pursuant to God's Law and Ordinance, are joined together by God; and there*

therefore are not by any *Man*, or humane Law, to be put *asunder*; as our Blessed Saviour expressly tells us, *Matt. 19. 6.* altho', at the same time, if such persons, in the Contracting of their Marriage, have neglected, and broken the wholesome Laws and Constitutions of Church, or State; they may (as I have shewn, *Sect. 18.*) be very justly punished for their Irregularity. But whether, or no, a bare *Matrimonial Covenant* be enough, by the Law of God, to Constitute a *Marriage*, I will not stand to debate: Only this, I think, I may say, that, *Where such a Covenant has been made between persons that are duly qualified, and also has been consummated by the carnal Knowledge of each other; nothing is there wanting, which by the Law of God is required to a Marriage between those Persons: Nor is it in the power of any Church or State, to make such a Marriage as this, void before God.* This has always been the Doctrine of all Christian Churches (as far as I can learn) until such time as the *Council of Trent* made an alteration in it in the *Church of Rome*, and assumed to themselves a power of *Appoint-*

Si quis dixerit Ecclesiam non potuisse constituere Impedimenta Matrimonium dirimentia. Anathema sit. Concil. Trid. Sess. 24. Can. 4.

*ing other Impediments to annul and make void Marriage, besides those which God has already Appointed : That is in effect, of putting those asunder whom God himself hath joined together.*

Sect. 26. *Secondly*, However the case may stand, with respect to God, (as I have said in the preceding Section,) yet, *no Marriage is to be lookt upon as valid, (but altogether void) either by Church or State; until it sufficiently appears, that all such things, as by the Law of God are required to Constitute a Marriage, have been duly observed and performed.* For, in all humane Laws, and Courts of Judicature, every thing, that does not *sufficiently appear*, is to be reckoned, and made account of, as tho' it were not at all. Now there can be but two ways whereby such a thing as this may thus *appear*, either to the Church, or Civil State; that is to say, First, when the Marriage has been Solemnized according to that very method and form, which by their Laws and Constitutions



utions has been appointed for it. (And when there can be no farther question about the matter; because there is supposed to be an Universal Agreement between all the Members of those Incorporate Societies, that all such Marriages, as these, shall be firm and valid to all intents and purposes.) Or, Secondly, When sufficient Proof is made (and that, before such Persons as are lawfully Empowred to take Cognisance of these things) that all things have been performed as the Law of God requires; altho' in a different form or method, from what the Church or State has prescribed: In which case, altho' the persons may be most justly punished for their irregularity, yet the Marriage will stand good and firm before God (as I have but just now said) and therefore ought not to be dissolved or annulled by any humane Authority. But, if we except these two cases, there is no possible way for any humane Judicature, to make a distinction between such persons as live together in Fornication, and those who are Married; but, whose Marriage does no where legally appear.

Sect. 27. Thirdly and Lastly, *If a Marriage be Contracted otherwise than the Laws of any Government do allow, such a Marriage (tho' still valid and obliging before God) may justly be lookt upon as Void, in respect of the Civil Laws of that Government.* That is to say, whereas certain Obligations do arise, or are enforced, even by the Laws of Man, upon a Contract of Marriage duly enter'd into: If the Law of any place has appointed a certain and only form of contracting Marriage; and yet persons there shall presume to Joyn themselves together, otherwise than by this legal Form; such Marriages may justly be lookt upon, and declared to be of no force in Law (I mean the Law of the Land) nor any Obligation to arise or be enforced (I mean still by humane Law) upon the account of such a Marriage. As for example, let us suppose that by the Laws of any Country, a Married Man who has so many Children lawfully begotten were to enjoy such Privileges; a Husband bound to maintain and cohabit with his Wife; a Widow to have a right to such a proportion of her deceased Husbands Estate, and the

the eldest Son lawfully begotten to be his Father's Heir, and the like. Let us also suppose, that by the same Law, a certain and only Form of Contracting Marriage were prescribed and appointed; and that a Man, otherwise Married than such Law allows, should demand the Privileges above-mentioned, or a Woman sue for Cohabitation, Maintenance, or a proportion of her deceased Husbands Estate; or lastly an eldest Son, sprung from such a Marriage, for his Fathers Inheritance. I say, that in these or the like Cases, it were no manner of Injustice for the Law of the Land to Enact, that no person should receive any advantage or privilege (by Law) as being Married, or born of Parents that were Married; except the Marriage were Contracted and Solemnized, according to the legal and established Form. For no Civil Society is, or can be bound to allow the Advantages and Benefits of their Laws to such Persons as are not qualified according to them: Nor has any Man just Reason to complain of the Strictness of such a Constitution as this; as long as he is left at his Liberty (if he does not like the

Laws of the place) to remove into another Country (where the Laws are more agreeable to his mind. And as what I have here said, is no more than naturally follows from what I have already proved in this Introduction; So is the main Conclusion of this Paragraph, hardly so much as what is affirmed by the Learned Dr. *Ames*, whose Words I have set down, *Sect.* 11.

*Sect.* 28. Having thus given, I hope, a plain and full Answer to the Four things proposed, wherein all Churches and States are equally concerned : As to the two Points first mentioned, *Sect.* 1. which relate more especially to our own Constitution, and our present Controversy, I shall here only give a short and Hypothetical Answer to them : The full and absolute Consideration of them (at least as far as this Controversy requires) being what will fall in of course, when I come to apply myself more particularly to the Book I have undertaken to Answer. From what I have hitherto said, then it appears,

*Sect.* 29. In Answer to the first Point, That if our Form and Method of Solemnizing Marriage, as it is by Law Establish-  
ed

ed, be every way lawful and agreeable to  
 the Word of God and a good Conscience;  
 when they who Contract and Solemnize Mar-  
 riage within this Realm in any other man-  
 ner, than what is so by Law appointed,  
 are justly punishable with whatever Pu-  
 nishment the Law in that Case appoints;  
 provided such Punishment does not ex-  
 ceed the limitations which I have set down,  
 Sect. 13, &c.

Sect. 30. And to the Second, That  
 Marriages otherwise Solemnized than our  
 Law does allow (However they may stand  
 firm before God, yet) may to all other pur-  
 poses be declared Void, as far as the Law  
 is in that Case Enacted or Provided;  
 according to what I have shewn, Sect. 26,  
 27.

Sect. 31. For Answer then to every  
 thing that is material in the Book that lies  
 before me, it would be enough to shew;  
 First, That our legal Form of Matrimony  
 is every way lawful and agreeable to the  
 Word of God and a good Conscience. Se-  
 condly, That the Punishment by Law ap-  
 pointed for those who act contrary to this  
 Form, is not unreasonable. And Thirdly,  
 That



That our Ecclesiastical Courts do not Declare irregular Marriages Void, any further than they are justly empowered by the Laws of the Land. But being to Answer another Man's Book ; to avoid all complaints of Tergiversation ; I shall rather choose to follow his Method, than lay down a new one of my own.

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**A** N

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A N

## ANSWER

TO THE

## PREFACE.

## C H A P. I.

ect. 1. **H**AVING said thus much by way of Introduction, for the clearing of those things which I thought necessary to be handled, and Settled as a Foundation to the following Dispute. I come now to take the Book, it self, into consideration : And observing, as near as I can, the same order in which the Author has proceeded, shall begin with his *Preface to the Reader* :

Sect. 2.

Sect. 2. And here I allow with him, that *Malefactors* ought not to be denied *liberty to make their best defence*, nor should any Man be debarr'd from *the just defence of his Reputation, Property, and Liberty*. But at the same time I must tell him, that it becomes both a Subject and a Christian, to manage such Defences as these, with Truth and Candor; neither putting false Interpretations upon things that are legally Established; nor venting uncharitable and scandalous Reflections upon those, whose duty it is to put the Laws in Execution.

Sect. 3. As for the *Loyal and peaceable Disposition of the Presbyterians*; I will not rub Old Sores, but shall only say, that I wish it had always been as great as this Author pretends it has: That they have been always Zealous for preserving the *Protestant Brittiſh* (that is their own) *Interest in this Kingdom*, is natural to believe. Nor have I any thing to object against their *Behaviour in the late Troubles*, in opposition to the common Enemy; But what is all this to the purpose? Because a party of Men have some times behaved themselves well, (and it may be, at other times not so) must

this

his exempt them from giving Obedience  
 to the Establish'd Laws of the Land? and  
 thereby open a passage to all those Evils,  
 which in the Introduction I have shewn will  
 follow; if Laws concerning Marriage are  
 not made and also put in Execution. But,  
 says our Author, *These are the People whom  
 some Clergymen think fit to deliver to Satan,  
 because they cannot yield to their Impositions.*  
 Now, here he has express'd himself in such a  
 manner, as if he had design'd to make the  
 wary Readers, of his own Party, believe  
 such things as he could not but know to be  
 false. For, in the first place, they who  
 are not better inform'd, wou'd be apt to  
 gather from his Words, that the things  
 to which the *Dissenters* refuse to yield, are  
 not things Establish'd by Law, but only  
*impositions of those very Clergymen*, who  
 prosecute them for not yielding to them:  
 This, I am sure, is the natural Import of  
 what he says; whereas he well knows, that  
 tho' it is usual and proper for Clergymen  
 to be Consulted in things that relate to Re-  
 gion; and to be Employed in Drawing  
 publick forms in such cases; yet as our  
 Liturgy was Establish'd long before any  
 of

of our present Clergy cou'd have a hand in it; so was it *imposed*, not by the Clergy, but by the Supreme Legislative Power of the Kingdom (as appears by the two Acts of Uniformity) of which the Bishops are but a small part, and easily over-ruled by the Rest, in all such things as they do not approve of. If therefore our Author had been Fair and Candid in this Matter, he should have called these things, the *Impositions of the Law*, and not *the Impositions of the Clergy*. Then Secondly, from his Complaint of their being *delivered unto Satan*; the same sort of People would be apt to conclude That it is the Judgment of our Church that every person who is Excommunicated is most certainly given into the hands of the Devil. In Answer to which, I shall only Transcribe a Passage of a late Author of our Church, in return to this very same

Objection. Nor shall I say, *he, do I any where find it to be the Judgment of our Church, that every*

Def. of the peaceable and friendly Address, pag. 45.

*one who comes under the Sentence of Excommunication, must necessarily be supposed*



be delivered to Satan. That those Persons who by publick Disobedience and Opposition to the lawful Commands of lawful Authority, do cause Divisions and Offences in the Church, should be avoided, and excluded from her visible Communion, is no more than what I think to be sufficiently warranted by the Apostle St. Paul, Rom. 16, 17. But because it is possible, and sometimes probable enough, that many Men are thus misled; not so much by Wilfulness or Obstinacy, as by some Great Mistakes or strong Prejudices which they have entertained; or, it may be by a Real Zeal of God, but not according to Knowledge, we are so far from concluding any of them to be absolutely given into the possession of the Devil; that, on the contrary, we Charitably hope that the generality of them will obtain Mercy at the hand of God: Nor do we at all doubt it, where the Disobedience to Authority proceeds not from Perverseness, but Ignorance of their Duty in this particular.

Sect. 4. But he tells us, That it will mightily provoke those who are descended of Parents Presbyterianly Married (some of whom perhaps may now be Conformists)

mists ) to hear themselves *declared Bastards and Sons of Whores by the Clergy*. In Answer to which; I desire him to give an instance of any one *Clergy-Man* of our Church; that ever declared such Person to be *Bastards or Sons of Whores*. And if he cannot do this, I would know, whether it be agreeable to the Rules of Christianity, or to that *Tenderness of Conscience* which they of his persuasion do plead in other Cases, for him to put such things upon the Clergy, as he knows them not to be Guilty of. But waving the Rudeness of these Expressions, which the meekness of the Gospel, and even good breeding should have taught him to abstain from. I do not think that the Children Sprung from such Marriage, have been yet by any of our Clergy declared *Illegitimate*, whatever might be done in Rigour of Law. This therefore I can look upon as no other than a Calumny, raised on purpose to exasperate his Party against the Established Church and Clergy: And the Reflection that here he casts upon the Memory of *Queen Elizabeth*; Viz. That her *great Inducement to Oppose Popery* was, *That they*  
*declared*

Declared her to be a *Bastard*, I take to be  
 no less Unjust. I believe *the great* and  
 only *Inducement* of that Good Princess,  
 to *Oppose Popery* was, that she was in Her  
 conscience convinced of the great and sin-  
 ful Errors of the Church of *Rome*. But  
 nothing that he would insinuate by this in-  
 stance; (*viz.* That some of the Dissenters  
 to *Oppose the Established Church*, not  
 only out of Conscience, but Prejudice al-  
 ready I am afraid is too great a Truth, tho'  
 perhaps it dropt from him unawares.

Se<sup>t</sup>. 5. And here he puts Seven Que-  
 stions to the *thinking and moderate Sons*,  
 of the Church. All which are so  
 plain and obvious to be Answered, that I  
 cannot imagine why he proposes them,  
 except it be to amuse unthinking Persons,  
 or more highly to exasperate those who are  
 already prepossess'd with an *immoderate Zeal*  
*against the Church*. The substance of the  
 questions is as follows. First, May not  
 good Joyn Persons together in Marri-  
 age, without consent of the Clergy or Ce-  
 lestionies? Secondly, Can Reformation,  
 Mens Salvation be sincerely intended,  
 when upon payment of Money, persons  
 E. Presby-

Presbyterially Married, are permitted to live together without any New Marriage. Thirdly, How can the Clergy take Money on account of a Marriage; and yet declare that there is no Marriage? Fourthly, How can a Man Presbyterially Married be Presented for *Adultery*, in case he shou'd Transgress, if really he be not Married? Fifthly, Are not the Breaches between us wide enough already? And what are they thus made Wider, only for the enriching of a few Men? Sixthly, Is not partiality to prosecute Presbyterians for their Marriages, when neither Papists nor Quakers are Prosecuted? Seventhly, Since Her Majesty has promised Her Protection to the Dissenters, is not this Prosecution of them upon account of their Marriages a Violation of that deference which is due to Her Royal Word?

This I say, is the substance of the Questions which he puts, altho' for Brevity's sake, I have exprest them in fewer, and sometimes in other Words.

Sect. 6. To the First of which Questions, I Answer; That altho' God may, if he pleases, *joyn together Man and Woman*

*Marriage without the consent of the Clergy, or Ceremonies of the Church*; nor ought any Man to put asunder those whom he has joyned together, Mat. 19. 6. yet for fear that Men and Women might often *joyn themselves together*, otherwise than God does allow; and if they are discovered and question'd for it, pretend that a Matrimonial Covenant has past between them (which is all that God's Law Requires) and so by this means shelter their Lewdness, and escape the Punishment justly due to it. It is the Duty, both of the Church and State, to make the best provision they can against this Evil, that is to say, to *appoint a certain Form and Method for the joyning of Persons together in Marriage*, and to punish those who vary from it; as I have fully shewn in the Introduction.

Sect. 7. To the Second, I answer, that when Man and Woman do presume to couple themselves together otherwise than the Law Appoints or allows; the Law and the Ecclesiastical Judge (who are no way privy to their Contract) can look upon 'em as no other than Fornicators; at least, until they



they have made legal proof, that a true Matrimonial Covenant has past between them, (for until such a Covenant is sufficiently prov'd; what is there to distinguish such persons from those who live together in Fornication?) When therefore a *Libel* is exhibited against any such Man and Woman; in order either to make them prove their Marriage, or to punish them for their Fornication, I see no reason why the *Reformation of Manners, and Salvation of Souls* may not *be very sincerely intended*. And altho' such persons do prove that a Matrimonial Covenant has past between them, and upon this their Marriage should be allowed as valid before God; yet still, they are justly liable to punishment for transgressing the Laws of the Land; as I have shewn in the Introduction. And if the Ecclesiastical Judge (according to the Power which the Law gives him) shall at the request of the Party commute this punishment, and turn it into a Pecuniary Mulct; why this shou'd be censured as *greed of filthy Lucre*, I cannot see; except our Author be able to prove, that the Bishops, or their Officials, do put such Commutation Money

into

into their own Pockets, and not convert  
 to Pious uses, as the Law directs : And  
 if he can but make this appear (as I am  
 sure he cannot) I, for my part will join  
 with him in this part of his Censure. But  
 if he Accuses, either the Ecclesiastical Jud-  
 ges, or other Officers of such Courts, for  
 taking their Fees which the Law allows  
 them in consideration of their Trouble,  
 by the same rule he must condemn all other  
 Courts of Judicature whatsoever : For in  
 this respect, they must all stand or fall to-  
 gether.

Sect. 8. To the Third I answer, that  
 if the Clergy Demand, and take Money on  
 account of Marriage, and yet declare that  
 there is no Marriage, but that these Per-  
 sons (on account of whose Marriage they  
 Demand and take Money) are living in  
 the damnable sin of Fornication, such Cler-  
 gy, are very justly to be censured. But if  
 our Author cannot make full proof of what  
 he has thus suggested, I leave the World  
 to pass what Judgment of him they think fit.  
 But if the Case be only as he himself repre-  
 sents it, in his Second Question; viz. that  
 such persons are allowed to continue as for-  
 merly

merly (that is to say, as Man and Wife without any other Marriage (which seem to be a tacit and implicit Toleration of their Marriage) if in this Case, I say, the Clergy do demand and take such Fees as the Law allows to every Minister, on account of a Marriage in his Parish; I see no Reason for them to be ashamed of doing, nor to what purpose the Text of Deut. 23. 18. should here be Quoted.

Sect. 9. To the Fourth, I Answer, that if a Church-Warden, or any other Minister should mistake, and present a Man to the Spiritual Court for *Adultery*, when really his Crime ought to have been stiled *Fornication*; I see no such Enormity herein, as to yield matter for such a pompous Expostulation. But where persons are allowed to continue together as Man and Wife, and commonly so Reputed (which our Author has owned to be the cause of such as are Married after the *Presbyterian* manner;) I think that if one of these be guilty of lewdness with another that is not Married; the presentment and proceedings, yet, may well be for *Adultery*; altho' I am apt to believe they commonly run in a disjunctive Form

2. For the crime of *Fornication* or *Adultery* : But this I take to be a matter of small moment.

Sect. 10. To the Fifth I answer, that we would be apt to think, that the *Presbyterians in the North of Ireland* do not imagine, that the *Breaches amongst us are wide enough already*, for if they do, why do they yet separate farther from us than those of their Perswasion in *England*, and in the *South of Ireland* generally do? for these, as I am Inform'd, are for the most part Married according to our Establish'd Liturgy : And yet I am perswaded, that they are Persons of as much Conscience as those in the *North*. And to give People liberty, upon the plea of a tender Conscience, at their pleasure : To transgress the Laws of the Land, is a dangerous way of healing Breaches, as may in part appear from what I have said, *Introd. Sect. 22*. But for what he suggests of the *Enriching of a few Men*, being the cause that the *Presbyterians* are proceeded against, on account of their Marriages ; he must either explain his meaning more fully, or else, in my Opinion, what I have already said in answer to the Accu-

sation of the *greedy of filthy Lucre* in his  
Second Question, is a sufficient Return to  
it

Sect. II. To the Sixth I answer, that  
where several sorts of Persons, taking Ad-  
vantage of the long or frequent unsettle-  
ment of a Church or State, do confident-  
ly presume to break the Laws of it; it may  
be Prudence, and not Partiality in those  
who have Authority, not to call them all  
to Account at one time, but to begin with  
some of one sort first by themselves, as  
were to try the strength of the Laws (which  
sometimes, for want of due putting in Exe-  
cution, begin to grow feeble and obsolete)  
before they engage too many Adversaries  
at once. And if the *first Dissenter*, that  
was *Excommunicated* (not for *Marrying*  
as is pretended, but for Contemning the  
lawful Ecclesiastical Jurisdiction, when he  
was called to an account for breaking the  
Law) were *one that had Episcopal Ordina-  
tion*: I think a very proper choice was made  
in him, to be made the first Example of  
punishment. Whether we suppose that  
he first Subscribed to the Liturgy against  
his Conscience; or else renounced what he  
once



ce freely Subscribed to; or lastly, had  
 assented from the Established Form with-  
 out judging it to be Unlawful.

Se<sup>ct</sup>. 12. To the last I answer, that this  
 Author, in my Opinion, Assumes a great  
 deal more than what a modest or reasonable  
 Man would do. *Her Majesty* is pleased to  
 give the Dissenters *assurance of Her Pro-*  
*tection*. But does She promise greater Pro-  
 tection to them than to any other of Her  
 subjects? or does *protection* any where sig-  
 nifie Exemption from Settled and Establi-  
 shed Laws? Her Majesty indeed, is plea-  
 sed to Connive at the *Dissenters* worship-  
 ing God according to their own way,  
 altho' She never has oblig'd her self there-  
 to by any *Promise* that I have heard of; or  
 given *Her Royal Word* for it (as he here  
 suggests that She has for more than that a-  
 lone:) But what ever excuse they may have  
 for Worshiping God in their own way,  
 and refusing to be Married according to the  
 Liturgy; if indeed, they believe that by  
 the Law of God they cannot in these things  
 Conform to our Establishment; yet why  
 a *Presbyterian* Minister, contrary to the  
 known Laws, should be allow'd to Solem-  
 nize

nize Marriage according to the Directory and to *Pronounce Persons to be Man and Wife*, (for which he has no manner of Authority by any Law of God or Man) I cannot see. Nor can this Author plead Conscience for this, as for the other things above-mentioned; since he does not pretend that the presence of a Minister at the Solemnizing of Marriage is necessary by any Law of God, but only *highly expedient*, as he expresses himself in the Introduction to his Book. As to Her Majesty's Power of *dispensing* with Laws or *Canons*, I shall not take upon me to determine any thing concerning it: Only I must desire him to remember (besides that our Form of Matrimony, together with the rest of our Liturgy is Established by Two Acts of Parliament) that where Ecclesiastical Canons are confirm'd by the Statute Law, to dispense with the former, is in effect to dispense with the latter also.

Sect. 13. And thus, I think, I have given a very sufficient Answer to these Questions; upon which I have the longer dwelt, because he seems to lay such a great stress upon them. As for his concluding Paragraph

ography to his own People, wherein he so  
 rhetorically exhorts them to *Non-Confor-*  
*mity in this* as well as in other matters: It  
 altogether grounded upon the Objecti-  
 ons he makes against our form of Matri-  
 mony; which, when we come to examine,  
 will appear to all Impartial Men, upon  
 how weak and trifling a Foundation it is  
 built.

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# ANSWER

T O T H E

## INTRODUCTION

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### C H A P. II.

Sect. I. **T**HE Author begins with Representing his Adversaries (by whom it is plain, he means those of the Establish'd Church; for in opposition to them, it is that he Writes his *Vindication of Marriage*) as Persons, by whose *Perverseness and Corruptions* it is come to pass, that *Marriage has been the Occasion of much hatred and contention*; as men that *Neglect, Contemn, and do Violence to the holy Laws that God has made concerning it*;

; nay, that *make void Marriage-Laws*, not by their *Doctrine*, yet, at least by their *Practice*. He pretends farther, to give their Character, from 1 *Tim.* 4. 1, 2. that they are *departer*s from the Faith; giving *ed* to *seducing Spirits and Doctrines of Devils*; *speaking lies in hypocrisie*; *having their Conscience seared with a hot Iron*: and for a finishing stroke, he urges the Authority of the Learned *Mede's* Interpretation of, *Dan.* 11. 37. to prove them to be *Antichrist*, or at least to carry one of his marks. Now that he designs all this odious and horrid Character for his Adversaries of the *Establisht Church* is, I think, not to be doubted. For he expressly tells us, that this is the *Character of those who make void Marriage-Laws*: And presently after, he tells us, that *here in Ireland, Marriages Solemniz'd by Dissenters, are declared Void*; which certainly, in his sense, is to *make void the Laws of Marriage*; but what follows is down-right untruth in matter of fact; for (besides Insinuating in general Terms, that the *Establisht Church partakes with the Church of Rome in their Evil Doctrines and Deeds*, viz.



viz. *their contempt and abuse of Matrimonial Laws*) he tells us, that a *Canon of the Council of Trent, never Received or observed before that time, is Advanced and observed here in Ireland; and Protestants Excommunicated upon their not observing the matter of it*, Pag. 7. Now, because some Readers may perhaps, be inclined to believe that there is some truth in, or ground for these things which are alledg'd with much Confidence; I shall therefore give a full and distinct Answer to every particular that he has here urged.

Sect. 2. First then, I must tell him, that no sober and considering Man will think the better of him, or his Cause; or the worse of the *Establish'd Church*, for all the ill Language which he has given Her, without the least proof that She deserves it. A good Cause needs not to be defended by Railing; neither ought a good Christian to make use of such an unlawful Weapon. And the blows it gives, where it is not edg'd with very clear proof, will, in the Opinion of all Wise and good Men, only recoil upon the striker.

Sect. 3

Sect. 3. Secondly, He wrests and misapplies the Words of *St. Paul*, *1 Tim 4. 2.* The Apostle indeed, among several other sorts of Wickedness which he reckons up should be *in the latter times*, mentions this also, *v. 3.* Viz. *Forbidding to Marry.* But that the design of *the Spirit of God* here was, to *Brand with Notes of his Indignation those who make void Marriage Laws* (as he pretends) there is not the least shadow of Proof. Altho, if this self were true; I see not how the *Establisht Church* is concern'd in it. And I have more Reason to tell our Author, that the Apostle here gives us the *sad Character* of such as *speak Lies in Hypocrisy* (for these Words occur expressly in the Text) than he has to tell the *Establisht Church*, that this is the *Character of those who make void Marriage Laws* (a Fault of which she is not Guilty) no such Words being there to be found, nor any thing to that purpose.

Sect. 4. Thirdly, he misinterprets and misapplies Mr. *Mede's* Words as much as he does those of *St. Paul.*

See Mr. *Mede's* Works  
in Fol. Lond. 1672. pag.  
671. &c.

By the God of his Fathers, Dan. 11. 37.  
That

That learned Man expressly understands the Old Idols and false Gods. Now, altho' the Pope *regards not* these same *Idols and false Gods* : Yet that this shou'd be given as a Mark, whereby we may know him to be *Antichrist*, is a mistake too great for Mr. *Mede* to have committed. Indeed, when Mr. *Mede* comes to Interpret the following Words of the same Verse; Viz. *He shall magnify himself above all* ; he paraphrases them thus; viz. *The Roman shall bear himself so as if he regarded not any God*, &c. And this he calls *Antichristian Pride* ; but this is not the passage our Author refers to. I mention this not as belonging to our present Controversy ; but only to let the Reader see, that he must not depend too much upon this Author's care and accuracy. Again, these Words nor (*shall he Regard*) *the desire of Women*, in the same Verse, that Learned Man thus Paraphrases ; Viz. *The desire of Women and Married Life shall be discountenanced*, &c. This he says began in the time of *Constantine*, who *abrogated the Laws Julia and Papia* (which gave great *Privileges* to a *Married Life* (altho' it came not to its height, until in process

of

of time, the Monks and Clergy of the Church of *Rome* were absolutely prohibited from Marrying. But let them be Antichrist, as much as he pleases, who either forbid or discourtenance Marriage: How is this to be applied to the *Establisht Church* which does neither? Or what is it here mention'd for, except to amuse some silly Readers who are prepossess'd with an Opinion, that what their Teachers deliver, can neither be false or impertinent.

SECT. 5. Fourthly, I had thought that no one durst to have said, or suggested, That a *Canon of the Council of Trent*, never Observed before that time, is advanced and observed herein Ireland: It being so Notorious, that the Authority of that pretended Council is Renounced and Disclaimed by our Church. But, says he, *Protestants are Excommunicated upon their not Observing the MATTER of this Canon*. Now, suppose it were so, that some of our Ecclesiastical Laws should happen to agree with some of the Canons of the Council of *Trent* (for sure there may be something good in the Decrees, even of that Council) would any honest Man therefore say, that

we *advanced and observed Canons of the Council of Trent*. The *Devils* believe *there is one God*, Jam. 2. 19. Our Author does the same. But would it be fair in me therefore to say, that our Author *embraces the Faith of Devils*? If there be any thing that is wicked in our Laws, or the practice of them, it ought to be laid aside. But whatsoever is good in them, ought not to be found Fault with, altho' the same had been received and Decreed by the Pope and his Council, or the Turk and his Divan; our Author therefore, if he had been fair and candid, should have let the *Council of Trent* alone; and only applied himself to have shewn the evil of our Laws, Canons, or practice of them, concerning Marriage: But the bare mention of Popery has been found an excellent Engine to blow up some Mens Passions in opposition to Authority; and *there* must lye the Secret of the Business, or else his Quoting the *Council of Trent* can be to no manner of purpose.

Sect. 6. Fifthly, Nor is even the matter of this *Canon* (as he calls it) or part of the *Decree of the Council of Trent advanced or observed* (as he pretends) or of any manner



manner of Force *here in Ireland*. If ever Marriages Solemnized by Dissenters have, amongst us been Authoritatively, *declared void*. The meaning of such Declaration could be no more but this; *Viz.* That such Marriages were *not good in Law*, or *in foro externo*; that is to say, were not such as the Law Required to Qualify the persons, who pretend to be Married, or their Children, for the Privileges by Law belonging to persons lawfully Married, and to their legitimate Issue (as I have explained this matter, *Introd. Sect. 27.*) (For that such a Marriage is yet *valid in point of Conscience*; that is to say, Obligatory in the sight, and *with respect to the Law of God* (as I have also said, *Ibid. Sect. 25.* I mean always upon a supposition, that the parties have actually entered into a Matrimonial Covenant, and that there was no lawful Impediment that should hinder them) is a thing that never was doubted among Christians, before the Council of *Trent*, and so far from being denied by our Church, that, on the contrary our ecclesiastical Laws (as they still stand in force) will compel the persons, who have

entred into such a Contract or Covenant, to Ratify and Consummate it, according to the Law of the Land (and that under penalty of *Excommunication*) if either of the parties shou'd offer to recede from the Covenant or Contract so entred into, and complaint thereof be duly made by the other. But that the *Council of Trent*, in the Words Quoted by our Author, do take upon them to declare such Marriages, as are there mention'd, void in another sence than what I have just now said; Viz. *Of no Obligation even before God, or in Conscience*, is what no Man can be ignorant of, who has but a little considered what that Council has said upon this point, in the same Session; Nay, and the same Decree too that he here Quotes. For that Council, *Session 24. Can. 4.* Not only arrogates to the Church, that is, to its self a power *constituere impedimenta Matrimonium dirimentia*; that is to say, of appointing *Impediments* (besides what God has already appointed) that make void Marriages. But also (*Decret. de Reform. Matrimon. Cap. 1.* The Decree which our Author cites) again suggests the very same thing

That is to say, That  
Clandestine Marriages were valid, as long  
as the Church did not  
make them invalid.

Clandestina Matrimonia  
---rata & vera esse Matri-  
monia quamdiu ecclesia ea  
irrita non fecit.

And besides, among the evil consequences of Clandestine Marriages, it particularly mentions this; That Men forsaking  
the former Wife,  
whom they had privately Married, openly  
Marry another,  
and live with her in  
perpetual Adultery.  
Which Evil the

Priore uxore, cum qua  
clam contraxerant, relictâ,  
cum alia palam contra-  
hant, & cum ea in perpetuo  
Adulterio vivunt. Cui  
malo cum ab Ecclesia quæ  
de occultis non judicat,  
succurri non possit, &c.

Church could not remedy, because she could  
pass no Judgment upon private things: For  
the Remediying therefore this Evil, among  
others, this Decree was framed, in which  
among other things, it is Ordained (as  
our Author rightly Translates the Words)  
That whosoever shall attempt to Contract  
Matrimony, otherwise than in the presence  
of the Parish Priest, or Curate, or another  
Priest, by his or the Ordinary's Licence,  
and in the presence of two or three Witnesses  
(Observe what follows) This Holy Sy-

Eos Sancta Synodus ad sic contrahendum OMNINO inhabiles reddit; & hujusmodi contractus irritos & nullos esse decernit, prout eos præfenti Decreto irritos facit & annullat.

nod makes them  
**ALTOGETHER un-**  
*capable to make such*  
**Contracts ; And**  
**Decrees all such**  
*Contracts to be void*  
**and null, &c.** Now

if the Council had meant, that such Contracts as these should (tho' still binding in Conscience) be reckon'd as Null only in *foro externo* (as I have just now explain'd my meaning) This could have been no manner of *Remedy to the Evil* that is so particularly above-mention'd ; and complain'd of in the same Decree : For altho' the first Marriage should in this Sence be adjudg'd void, yet as long as it still should continue to Oblige in the sight of God : The second Marriage (as the Case is stated in the Decree) could by no means be Innocent of the *Sin of Adultery*. Since then, the utmost that our Author can even pretend is, that our Clergy do declare *Dis-senters Marriages void*, with respect to the *Law of the Land only*. And it is so very manifest, that the Council of Trent declares such Marriages, as the Decree speaks of, void

void in a *quite different Sense*, that is to say, with respect, even to the *Laws of God*; what candid or ingenious Man would dare to say that, in this, even the *matter of a Canon of the Council of Trent is advanced and observed* amongst us, that *Protestants are Excommunicated for not Observing the matter of it*, Pag. 7. or to suggest (as our Author does, pag. 48.) that we pretend, or expect that *Protestants should be oblig'd by the Acts of that Council*? Judge Reader, if this dealing becomes a Christian, and much more a *Minister of the Gospel*.

SECT. 7. Lastly, Let us suppose (tho' I have shewn it to be otherwise) that this Man had truly represented the *Matter and purport of our Ecclesiastical Laws concerning Marriage*, yet still he does not express himself fairly, when he says, that *Protestants are Excommunicated upon their not observing the matter of any such Canon whatsoever*. For it is not the bare *not observing* of the Ecclesiastical Laws, whether *Canons or Acts of Uniformity*; but the manifest *contempt* of them that renders a Man liable to *Excommunication*. If



persons presume to Marry, otherwise than the Law allows; they are not presently *Excommunicated* for so doing (as one would think our Author had a mind to suggest) but if being legally cited; that they may either prove their Marriage; or, if no Marriage appears, be punished for Fornication, they stand out in contempt of the Law, and refuse to appear; or, after having appeared, deny to perform what the Law requires from such as violate it after that manner; then and then only are they made subject to the censure of *Excommunication*.

Sect. 8. At the close of his Introduction, he tells us that, in order to *vindicate* their *Principles and Practices*, in Relation to Marriage, it will be *necessary to shew*; First, That they judge Marriage a Holy Ordinance of God, and Honourable State of Life, Religiously to be entred in by all Christians. Secondly, That it is highly expedient a Minister of the Word be present thereat; who by Instruction, Exhortation, and Prayers, may assist these engaging in that Relation, when he is thereunto called. Thirdly, That they cannot with good Con-  
*Sciences,*

sciences, conform to the Form of Solemnizing Marriage prescribed in the Book of Common-Prayer. Fourthly, That their manner of Marrying is agreeable to the word of God, Laws of Nature and Nations, and the Customs of other Reformed Churches, and not inconsistent with the Civil Laws of the Land. Fifthly, That prosecuting Ministers for Solemnizing Marriage clandestinely (as they call it) and Excommunicating them for so doing, and declaring such Marriages Void, and Excommunicating persons so Married, who will not publicly confess themselves Guilty of the Damnable Sin of Fornication, or compound with the Official, is Uncharitable and Unjust, inconsistent with the aforesaid Laws and Customs. Thus it is that he proposes the Points to be Handled and Discussed in the Sequel of his Book. Now, where a Man designs a fair and candid *Vindication of the Principles and Practices* of any party whatsoever; it will certainly be his endeavour, because it is for his Advantage, in the first place, to give not only a True, but also a clear and plain State of the Controversy; That is to shew distinctly what those principles

ples and practices are, which their Adversaries find fault with ; together with the true Reasons why they find such fault, and then as distinctly and plainly to propose the things necessary to be proved in Order to their Vindication, without confounding or mixing them with such as are not necessary, nor any way to the purpose. For Truth always shews best in a clear light, and ever makes the deepest and most lasting Impression, where it appears with the greatest plainness. But on the contrary, where a Man is conscious to himself, that he has an ill Cause to manage, he commonly endeavours to perplex it as much as he can, conceals or alters the true State of the Question, waves or lightly Touches the Points that are necessary to be cleared and proved, and largely insists upon such as are little or nothing to the purpose. In a word, does all that he can, to Raise a Mist and dazzle the Eyes of his Reader, that he may not have a clear and full view of the Points that ought to come under Debate, or the Arguments whereby he finds himself most preſt by his Adversaries, for in all Book-Controversies, the Reader is set up as a Judge

Judge between the parties litigant; and if an Advocate can so perplex the Cause, as to keep the Judge from apprehending the true State of it, it is at best but an equal chance on which side the Sentence shall pass: Here then I desire the Reader, before he goes farther, seriously to consider, how, and after what manner this Author has Stated the Question concerning *Marriage*, between the Established Church and the Presbyterians, and what are the Points he proposes as *necessary* to be Handled; whereby he may in a great measure judge of the Cause now in hand, or at least of his candour and sincerity in the management of it.

Sect. 9. In the first place, instead of giving his Reader a distinct apprehension of the Principles and Practices of the Presbyterians which we find fault with, and the true Reason why we find such Fault; he (as I have already shewn) in his Preface, puts Questions, and in his Introduction Rails at, and unjustly Asperges the Established Church. In the next place, he imposes upon his Reader, in telling him, that the things which he proposes to be proved

proved are *necessary*, in order to *Vindicate* their *Principles and Practices*. For nothing can be necessary to be *shewn* or proved, in order to any ones *Vindication*, that is freely and abundantly acknowledged and granted on both sides. Nor did we ever pretend, but that the Presbyterians do judge *Marriage to be a Holy Ordinance of God*, and an *Honourable State of Life*, religiously to be entered into by all Christians (I mean such Christians as do actually take that State upon them) in which judgment 'tis known, that we unanimously concur with them; and the same is to be said concerning the *expediency of a Minister of the Word*, being present at the Solemnization of it: The Fault we find with the Presbyterian Marriages in *Ireland*, is not that they are contrary to the *Word of God* (only as that word obliges all persons to be Obedient to the lawful Constitutions of lawful Authority) or the *Laws of Nature*, or those of *Nations*, or the *Customs of other Reformed Churches*; or lastly to some of the *Civil Laws of the Land* which had no occasion to forbid them, because they are in other of our Laws sufficiently forbid-

den



den : And yet upon all these points he ex-  
 patiates with as much Gravity, as if the  
 Knot of the Controversy had consisted in  
 them : And, in the last place, even where  
 he has proposed such Points as seem to be  
 pertinent to the present Dispute, yet has  
 he exprest most of them after such a loose  
 and confused manner, as is by no means  
 sufficient to give his Reader a true and full  
 Notion of the matter in Contest. For he  
 has neither assign'd the true Cause why  
 Presbyterians ; whether Ministers or peo-  
 ple, are in this Case *Excommunicated* ;  
 which is not properly for *Marrying*, or be-  
 ing *Married* after a way of their own ; but  
 for *standing out in Contempt of the Esta-  
 blished Law* : Neither has he told us,  
 in what sense they of the Established  
 Church do *declare such Marriages Void* ;  
 (except he means it to be in that of the  
 Council of *Trent*, which suggestion I have  
 shewn to be not only False, but also Dis-  
 ingenious) Nor lastly, has he informed  
 us what sort of *Composition* (or rather  
 Commutation) it is that the *Official* Re-  
 quires, and upon what ground, from such  
 as Offend ; all which things (not to men-  
 tion

tion others that lye scattered in his Book) he ought to have fairly and clearly Stated; if he had candidly designed, not to Raise the passion of his own party, or perplex the Understandings of unwary people; but fairly to inform and satisfy all sober and considerate persons, in and about this Controversy. But let the Book be what it will, I shall bestow as much Consideration upon it as I take to be necessary; and rejecting such things as are altogether from the purpose, I shall endeavour to clear his Obscurities, untangle his Perplexities, refute his Calumnies, and Answer whatsoever may look like an Objection in every part of it.

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CHAP.

## C H A P. III.

Sect. 1. **T**HE Design of his first and second Chapters is, to prove and establish the two first of those Points which he proposes at the close of his Introduction; Viz. First, That *Marriage is a Holy Ordinance of God, &c.* And Secondly, That *it is expedient a Minister of the Word be present thereat, &c.* But if there be no need to insist in proving that which very few or none deny; especially, when the Reasons of it are plain, as he expressly tells us, pag. 21. I cannot conceive why he should spend almost a third part of his Book, in proving (and that so laboriously) what, I believe was never yet denied by any one who profess the Christian Religion: Except it be, that he would hereby insinuate to those, whom he finds so very ready to Receive all evil Impressions concerning the Establish'd Church, that we do not believe *Marriage* to be such a *Holy Ordinance*, or do not think it *expedient*, that a *Minister of the Word* should be present to perform

perform any Holy Offices at the Celebration of it. For it is very natural for one, who is not better informed to judge, that those things which, in a Controversial Book, an Author declares *necessary to be shewn*, in order to the *Vindication* of his Party, *pag. 8.* and afterwards very largely and particularly insists upon the proof of them; are either Denied, or at least, not sufficiently owned by his Adversaries.

Sect, 2. If it were worth the time, to examine these two Chapters closely and particularly, it would be easy to shew that, even in them, this Author is guilty of many gross Mistakes; or at least, has so expressed himself in divers places, as might easily lead an unwary Reader into Error. As for example (and to give the Reader a Taste) he tells us, *pag. 8.* That God made the Covenant betwixt Man and Woman, before he made that betwixt himself and them; For that Adam was not in the Relation of God's Confederate (he means by the positive Covenant implied in the prohibition of eating the Tree (he should say, the Fruit of the Tree) of Knowledge) till an Help meet for him was made, *pag. 9.*  
And

and tho' this is directly contrary to the Sentences of the History, Gen. 2. which tells us, v. 17. That God interdicted the Fruit of that Tree to *Adam*; and then, immediately after, proceeded to the formation of Woman, - v. 18, &c. Yet he thinks it sufficient to ground this his positive Assertion upon this Principle; *Viz. The Covenant, being made with Adam for himself and his Posterity, supposeth him in a State capable of having Posterity; which was not possible, without Conjunction with the Woman*, pag. 9. But if I were a single Man, and should have a Conveyance of an Estate, or certain Immunities, and Privileges, made to me and the Heirs of my Body lawfully begotten; and this under certain Conditions and Limitations; would all be void, because I was not actually Married at the time when the Deed was perfected? But I must not dwell upon things so long, that are Foreign to our present Controversy. Again he Discourses, tho' something Obscurely, pag. 14, 15. concerning the Obligation that lies upon Men to Marry: And by the parallel Illustration that he gives of the matter, it seems to be his



Judgment, that there lies the same Obligation upon every Man, that is capable of Marriage, to Marry; as there does upon a Man, that is not *Deaf*, to *hear the Word*, or that is not *Dumb*, to *sing Psalms*. But, tho' Marriage is an Holy and Honourable State, thii is the first Casuist, that ever I met with, who made it so strictly and absolutely necessary. Again he tells us, pag. 19. That Marriage *ought to be always publickly Celebrated*; and the first Proof he brings for this is, that *all Mankind, and God in a special manner, was present at the first Marriage*. Now that Man and Wife ought, after they are Married, publickly to own each other; to avoid Scandal and other Evils that may follow; That Children should not dispose of themselves in Marriage, without the consent of their Parents; That all care ought to be taken by Church and State, both to prevent and punish unlawful Marriages, Adultery, &c. And that in order to these things, it is highly convenient that the design of Marriage before it is actually Solemnized, should be Published, and Liberty given, to any one that can, to Object against it. All this

I say, we freely grant; nor will his Examples or Reasons, which he here urges, prove any thing more, and some of them not so much: But that Marriage *ought to be always* (without exception) *publicly Celebrated*, is what no Man that well thinks of it, will, I believe, undertake to prove. Again, pag, 21. He suggests, that we now *Accuse* the Presbyterians of the Guilt of *impure Congress, or unclean Conjunctions*, in the same manner as the Primitive Christians were in the days of *Tertullian*. The Primitive Christians, without the least ground for it, were Maliciously Accused by their Adversaries of Incest, Adultery, and promiscuous Copulations: Now do we lay any thing of this Nature in the like manner, to the Charge of the Presbyterians? Judge Reader, is this fair Dealing? Again, altho' it is allowed, that Children ought not ordinarily to dispose of themselves in Marriage without consulting their Parents, and obtaining their Consent: Yet to affirm (without any exception or qualification) that *Parents have the sole Right of Disposing of their Children in Marriage*: And that in as ample a manner as God had

a right to Dispose of *Adam*, who was his *Son by Creation*; as he suggests, *pag. 25.* is, I think, to carry the matter a little too far. But we may perceive, that he forgot himself a little in this Paragraph, when he tells us, that *Sampson*, *Judg. 14. 2.* *was determined by his Parents* in his Marriage; whereas the very next Verse plainly shews, that both *Sampsons* Father and Mother were altogether averse to this Marriage, and were brought to Consent to it, only because they perceived their Son to be so mightily set upon it: For *his Father and his Mother knew not that it was of the Lord*, Verse 4. But these mistakes of our Authors, I do but lightly touch, and many more, in the same Chapters, I wholly pass over, because they have no Relation to the present Controversy.

Sect. 3. The former part of the last Paragraph of his second Chapter, altho' at the first sight it would seem to be to the purpose; yet really is not so. For the Objection which we make against the Presbyterian Ministers Solemnizing Marriage, properly speaking, is not meerly their want of *Episcopal Ordination*; but that they are  
not

not the persons appointed or entrusted by the Laws of the Land for this purpose : And therefore there is no room here for the Dispute that he proposes about *Ordination, Word, and Sacraments* ; nor any Occasion to bring in the *Foreign Reformed Churches* (for the difference between whom and our present Non-Conformists, I shall refer the Reader to Mr. *Durells* two Books upon that Subject) And, as to the latter part of the same Paragraph, I have already so fully Obviated all that he there suggests, that I need not in this place to say any more of that matter.

See Introduct.  
Sect. 19. &c.

Sect. 4. I proceed therefore to his third Chapter, the design of which is, to make good the third thing proposed by him ; Viz. That they *cannot with good Conscience conform to the Form of Solemnizing Marriage prescribed in the Book of Common-Prayer* : In Order to which, he offers several Objections against that part of our Liturgy, which I shall take into consideration in the same Order as he proposes them.

Sect. 5. His first Objection, is against these words which occur in one of our Prayers; *O God who has consecrated the State of Matrimony to such an excellent Mystery, that in it is signified and represented the Spiritual Marriage and Unity betwixt Christ and his Church.* In which Words it seems they cannot joyn with us, because something is implied in them which they cannot believe to be True. For that Marriage was never Consecrated by God to any such END or Mystical Signification, pag. 28. Now the Force of this Objection lies only and altogether in his mistaking the Sense of the Words which he Quotes. For that Marriage is Sanctified, or Consecrated by God, must be allowed; because otherwise it could not be a *Holy Ordinance of God* (as he largely proves it to be in his first Chapter) That in it is signified or represented the Spiritual Marriage or Unity betwixt Christ and his Church, he here in effect allows: And St. Paul has plainly declared, *The Husband is the Head of the Wife, even as Christ is the Head of the Church, &c.* says he, *Eph. 5 25.* That this

Some way signified thereby.

that this



this same Signification or Representation is a Great, or excellent, *Mystery*, the same *Sr. Paul* tells us, *v. 32*. What then is the Fault that can be found with these Words? Why, altho' all this is really so; yet this, says he, was not the END for which God consecrated Marriage: But I pray, who ever said that it was? No such thing, I am sure, is implied or suggested in the Words: And that our Church never intended to advance any such Notion, is very plain from the beginning of her Office of *Matrimony*, where she expressly reckons up the *Causes for which Matrimony was Ordained* by God; but makes not the least mention of this for one. And as for his alledging *Bellarmino* and the *Papist Schoolmen*, I see not to what purpose it is done here (except to amuse the Ignorant or prejudiced Reader, with a groundless Imagination of Popery) since it is so well known, that our Church Disclaims both the Doctrine and Arguments of the Romish Church and Divines, whereby they pretend to prove Matrimony to be a Sacrament. But he tells us, that *this Mystical Union* betwixt Christ and his Church is

*compared to, and represented by a Shepherd and his Flock, the Vine and his Branches, Houses and their Foundations, Heads and Bodies of Men, as well as Matrimony.* And what if it were so? Does it follow from hence that, in a Matrimonial Prayer, it is any way unlawful or improper to make mention of this last Comparison or Representation, to which the very matter in hand, in a manner, directs us, without taking Notice of any of the Former, which are altogether foreign to the Occasion? But altho' the Relation, in which Christ and his Church do stand to each other, is, upon some Occasions, not unaptly Illustrated by those other things which he has mentioned, yet none of these Comparisons are in this Case so full, and to the purpose, as that which is made to a Man and his Wife. For whereas the Union between those other things, is no more but Artificial, Civil, or Natural, this Union, *viz.* between Man and Wife is; First, a Holy Union. 2. A Union between Persons. 3. A Voluntary and Reciprocal Union of Love and Affection; and therefore very fit; as, on the one side, to put us in mind how Christ

loves

loves his Church; so, on the other, to put Men and their Wives in mind, how and after what manner they ought to love one another. Upon the whole therefore I conclude, that this Clause is very fit to be retained in our Liturgy; nor can any Man reasonably except against it, without he first perverts the Sense of it.

Sect. 6. His second Objection against our Form of Matrimony is, pag. 29. that it is *unreasonable to oblige Persons Marrying, to plight their Troth, to have and to hold, for better for worse, from that time forward, till Death them do part.* His Reasons for this Assertion are, First, That *this may become impossible for them to do: For if a wilful Deserter will be gone, how can he or she be held till Death do part them? And if the unbelieving will depart, let him depart; a Brother or a Sister is not under Bondage in such Cases, 1 Cor. 7. 15,* And Secondly, That *we cannot be bound to hold for worse; For should a Woman prove a notorious Adulteress, or conspire against her Husband's Life; Yet, according to this Clause, the Man must have and hold her for a wedded Wife; for better for worse,*  
pag.

pag. 30. To which I Answer, First, That if there be any force in these Reasons, they will hold altogether as strongly against the *Presbyterian Directory* as our *Liturgy*; especially if it be true, as this Author affirms, that *God allows the Deserted a freedom and liberty to Marry*, pag. 29. And to make this appear, let us but put the *Directory* in the room of the *Liturgy*, and then oppose his own Arguments against it. By the *Directory* then the Man Covenants to be a loving and faithful Husband unto the Woman, until God shall separate them by Death; and the Woman Covenants again with the Man in the very same words, only with the addition of *Obedient*. Now, according to this Author's way of Arguing, the performance of this Covenant, or some part of it at least, may become impossible: For if a Husband wilfully Deserts his Wife, and refuses to have any manner of Communication with her; how can she be *Obedient* to him? Perhaps he will say, that no more is intended hereby, but that the Woman should be ready and willing to Obey her Husband, whenever he lays any lawful Commands upon her, which is a thing

thing possible ; altho' to be *actually* Obedi-  
 nt, to one who refuses and renounces all  
 Government or Authority over her, is *im-*  
*possible*, and a contradiction in it self. I  
 follow the Answer for good : But then must  
 also tell him, that when a Man promises,  
 according to our *Liturgy*, *to have and to*  
*hold* his Wife, it is evident, that no  
 more is intended hereby, but only that he  
 should be *ready* and *willing* for his part to  
*have and hold* her, in case that she stays  
 with him, and not actually *hold* or keep  
 her in his *Possession*, altho' she Quits and  
 Deserts him; the former of these Things  
 being in his Power, altho' the latter is not  
 so. This for his first Reason : Then, for  
 his Second, How can a Man be bound to  
 be a *loving and faithful Husband unto a*  
*Woman*, until God shall part them by  
*Death* ? For (to Use his own Words)  
 should a Woman prove a *Notorious Adul-*  
*teress*, or conspire against her *Husbands* life.  
 This Covenant in the Directory *allows no*  
*sufficient Remedy* : For the Man has bound  
 himself to be a *Husband* ; Nay, a *loving*  
*and faithful Husband* to her, until God  
 shall *seperate* them by *Death*. But says he,  
 Christ



*Christ hath granted us Liberty of Divorce in this Case; and so does the Presbyterian Confession of Faith; allowing the innocent Party after a Divorce to Marry another; whereas the Established Church Grants only a Divorce from Bed and Board, and requires Bonds to live Chastly without Marriage; which is neither a Remedy nor Justice.* pag. 30. I Answer, that this is altogether wide from the Point in Debate. The Question here being not, what Relief by the Discipline of the Church is to be allowed the innocent Person against the Matrimonial Covenant, in case of Adultery or malicious Desertion; but whether or no the Matrimonial Covenant it self, is fitly and lawfully set down, and exprest in the words of our Liturgy: And since I have plainly shewn, that these his Reasons will hold altogether as well against their own Directory, as our Office of Marriage; I desire that he would be impartial in the Matter, and pass the same Sentence, either of Acquittal or Condemnation upon them both.

Sect. 7. But I have another and better Answer to his second Objection; which I shall set down in the words of the Right

Reverend

Reverend the Lord Bishop of Sarum, viz. that, *All General Words, how large soever, are still supposed to have a tacit Exception and reserve in them, if the matter seems to require it. Children are Commanded to Obey their Parents in all things, Col. 3. 20. Wives are Declared by the Scripture, to be subject to their Husbands in all things, as the Church is unto Christ, Eph. 5. 24. And yet, how comprehensive soever these words may seem to be, there is still a Reserve to be understood in them : And tho' by our Form of Marriage (And the same is to be said of the Form prescribed by the Directory) the Parties Swear to one another 'till Death them do part; yet few doubt but that this Bond is Dissolved by Adultery, tho' it is not named; for Odious things ought not to be suspected, and therefore not named upon such Occasions; but when they fall out, they carry still their own Force with them. To which I shall add, that if, by the Law of God, Malicious Desertion is a Dissolution of the Marriage-Bond, as well as Adultery; It must, by*

Enquiry into the Measures of Submission. Sect. 14.

by parity of Reason, be Understood, that in the Marriage Covenant there is and must be always a tacit Exception for that as well as for this. But this is a Controversy that I have no occasion to enter upon at this time. Now, since the force of his Objection lyes in this, That the Words of the Marriage-Covenant, in our Liturgy, are too strict and Absolute; no Reservation being made for the Case of Adultery or malicious Desertion, (and yet the Words of the Directory are altogether as strict and Absolute; as I have shewn) since from the very Nature of the thing, and general Consent of all Men, it appears, that in these Absolute Words, there is an Exception understood and implied for the case of Adultery; And the same also must be for malicious Desertion, if that Case be by God's Word included as well as the other: The Consequence must be, that the thing supposed by him being a plain Mistake, the Argument which he builds upon that Supposition, must fall to the Ground.

Sect. 8. His next Objection, pag. 31. is levelled against our Use of the Ring in the Cele-

Celebration of Marriage, which he find<sup>s</sup> Fault with, as being a *Mystical and significant Ceremony*: But because, I suppose, he foresaw that his Arguments upon this Point (or part of them at least) would hold as good against the very Joyning of Hands, which is a *Ceremony* prescribed by the *Directory*, and altogether as *Significant and Mystical*, as that of the Ring; he therefore, *pag.* 39. expressly approves of *Joining of Hands*, and pretends to bring Scripture proof for it, of which he thinks the Ring in this Case to be altogether *Destitute*. Now, because he seems to lay a very great weight upon this Objection, by his dwelling so long upon it; and the notion of *Mystical and significant Ceremonies*, being somewhat hard for the common People to digest, and therefore the fitter to amuse and perplex them, I shall endeavour to handle this Matter with all the clearness that possibly I can. In order to which, I shall,

First, Set down our Doctrine concerning Ceremonies in general, and the Use of them in any Religious Acts or Matters.

Secondly,



Secondly, I shall shew, that the Use of the Ring in Marriage, which he condemns, is every way as Lawful, as that of Joining of Hands, which he Approves.

Thirdly, I shall Answer his Objections against Ceremonies in General.

Fourthly, I shall in like manner return an Answer to what he Urges in particular against the Ring; our Manner of using it, or the Words that accompany it.

Sect. 9. First then, Our Doctrine concerning Ceremonies, and the Use of them in Religious Performances, as it is (if not misunderstood or perverted) most plain and Peaceable; so, I think, for the most Necessary and Material part of it, it may conveniently be Comprized under the following Propositions.

First, *Every Action whatsoever is of Necessity, attended by some Circumstances.* By a *Circumstance*, I mean, whatever accompanies the Action, and is conjoined to it, but yet is no part of the Action it self: Thus the time when, the place where, and the manner how an Action is Perform'd, are no parts of the Action it self; for the same Action is capable of being Performed, ei-

ther



her at this or that time, in this or that place, and after this or that manner; and yet every Action must of necessity be performed in some time and place, and after some manner or other. The time, the place, and the manner then, and every such thing as is distinguishable from the Action it self, and also variable without changing the Physical nature of the Action, is to be looked upon as a *Circumstance* of it: And tho' this or that particular Circumstance is not of necessity conjoined to any Action; yet most evident it is, That no Action can be Performed, but it must be attended by some Circumstances or other.

Secondly, *All the Circumstances that must attend every action and performance of Religion, are not particularly determined by any Law of God.* Thus, for example, to Pray, give Thanks, and Receive the Holy Communion; are, all of them, religious Actions or Performances, and must of necessity be performed at some time, in some place, in some posture of Body, and the like; which are all circumstances, and no parts, of the Action or Performance

it self. But yet God has by no Law particularly determined, at what certain time or hour, in what certain place, or in what certain posture of body, these things shall be performed, and the like may be said concerning divers other circumstances in all Religious Performances whatsoever.

Thirdly, *Whatever circumstances of Religious performances are left undetermined by the Law of God, may lawfully be determined, and settled by humane Authority, in such a manner as they who have such Authority, shall judge to be most proper and convenient.* For since what God commands, no other Authority can lawfully forbid; and what he forbids, no other Authority can lawfully command: Nothing here does or can remain for humane Authority to exercise it self in, but only to make Rules for the seeing and determining of such things, as God has not already settled and determined: And where they who are in Authority do judge, that the establishing of such Rules will do more good, than the leaving them Unestablished, they ought to establish them accordingly. *And whenever lawful Authority shall make*

any such determinations as these; all persons who are subject to this Authority, are bound in Conscience to conform to them, until the same or a greater Power shall repeal or alter them: This being included not only in the general Rules of Peace, Decency, and Order; but also in those more particular ones of being subject to the Higher Powers, submitting our selves to every Ordinance of Man, and Obeying those that have the Rule over us; which occur in the Holy Scriptures.

Fourthly, When the circumstances of Religious (or of any other) Performances come to be fixt and settled (whether it be by Authority or Custom) these Circumstances are what we usually call Ceremonies.

Fifthly, Ceremonies appointed by humane Authority, are not to be lookt upon as Signs or Tokens of the Grace of God Conferred, or his Blessings bestowed upon us. For to him that freely does the thing, alone, it belongs to appoint a Sign or Token that he will do: Nor can any thing be justly lookt upon as a Sign or Token of what God will do, except he himself appoints it, or expressly approves of it.

Sixthly, *Ceremonies in any Religious Worship or Performance, may be appointed by humane Authority, as Signs and Tokens of the inward apprehension and disposition of Mind, with which every Man ought to perform that Worship or other thing to be performed.* For altho' we have, neither Ability nor Authority to appoint any Signs or Tokens of what is only in the Power of God to bring to pass; yet no Man will deny, but that it is in our Power to fix and agree upon Signs and Tokens of our own Thoughts and Resolutions, (and indeed, what are all the *Words* that we make use of in our daily Discourse, but such Signs and Tokens as these) Now if lawful Authority shall think fit to appoint any Ceremonies to be used in any Religious Performance or Worship, as Signs and Tokens of that Reverence which we then pay to God, or of any other thought or disposition of Mind, wherewith we ought to come to that same religious Action or Worship; as it is possible for us, by approving and receiving such Ceremonies to concur in their appointment; so does it follow, from the third Proposition but now laid down, that

we



we are obliged so to do : Nor does the Holy Scripture allow Subjects to refuse Obedience to lawful Authority in any other Case, except only where the humane Law, to which Obedience is required, is (either directly, or by a just consequence) repugnant to the Law of God, which cannot be in those things which the Law of God has left undetermined ; that is to say, about which God has made no Law at all. Thus, for example, if lawful Authority shall require that we should Kneel and keep off our Hats in the publick Worship of God, thereby outwardly to express the inward Honour and Adoration which we pay to the Divine Majesty, it is the Duty of every Subject to conform to these or the like Injunctions; nor is it a sufficient excuse for his Disobedience to say, that he has other ways of his own to express that Reverence which he owes to Almighty God. And thus I have done with the first thing propos'd, which was to give an Account of our Doctrine concerning Ceremonies in general : And I am sorry, that the unreasonableness of some Men should make it necessary, so particularly to explain and



prove such things as one would think no sober Man could deny.

Sect. 10. I proceed then to the second thing proposed, which is to shew, That *the Use of the Ring in Marriage, is every way as lawful as that of Joyning of Hands.* And here, That Joyning of Hands is as much prescribed by the Directory, in the Celebration of Marriage, as the putting on of a Ring is by the Liturgy, is beyond all doubt; that both these are equally Ceremonies, appears from Sect. 9. Prop. 4. And as the Ring is a Sign, or a Token and Pledge of the Marriage Covenant (as the Liturgy expresses it) so does this Author acknowledge, that *Joyning Hands* is also a Sign by which, as with our Tongue, we express our Fidelity and Fellowship, pag. 39. And that (as he implicitly confesses) not a Natural, but an universally used Sign; and therefore, consequently, as much an Invention of Man as the Use of the Ring; which owes its Original only to ancient and general Custom: Nor need I produce any Authors to prove, that one of these Ceremonies (which he approves) was in Use among the Heathen, as well as

the other (which he condemns) since he expressly asserts Joining of Hands to be an *Universally used sign to express Fidelity and fellowship*, pag. 39. and therefore practised by the *Heathens* as well as others : And if the *Mystery* of a Ceremony consists in the *significancy* of it, (as he states the Matter, pag. 31.) it will follow, that both these Ceremonies are equally *Mistaken*, because they are both of them equally *significant*, that is to say, equally signs of the things intended by them. Thus far then the Giving and Receiving of a Ring in the Liturgy, and the Joining of Hands in the Directory do plainly stand upon equal terms; (save only that the Liturgy is Establish'd by Law, and the Directory not so) and therefore, if that be for any of these reasons unlawful, this must be so in like manner.

Sect. II. But (says he, pag. 39.) *Joining of Hands is used by God's Approbation in Scripture*; whereas no such thing appears of the Ring. I Answer, First, That if this was really so, it would be so far from being an Argument against the use of the Ring, that, on the contrary, it would afford us a very strong one for it : For if

God does not Disapprove of the Ceremony of Joining of Hands; altho' it be a significant Ceremony, of humane invention, and in practice among the Heathen; it will follow, by parity of Reason, that he does not, *on any of these Accounts*, condemn the Ceremony of the Ring: And, consequently, since he says nothing concerning it in his Holy Word, that he does not condemn it at all; except some other Ground or Reason can be assigned for such Condemnation, besides what is already mentioned. But secondly, What if it appears, that the Use of the Ring is as much approved of by God in the Holy Scripture, as the Ceremony of Joyning Hands? Let us therefore take a view of the Texts which he quotes for the latter, and try if we can Match them with as good proofs in defence of the former. To prove then Gods *approbation of Joyning Hands*, he alleges four places of Holy Scripture (but is so wise as not to set down the words of any of them) the first of which is, *Ezek. 17, 18. seeing he despised the Oath by breaking the Covenant, (when lo he had given his hand) &c.* The second is, *Gal. 2. 9.*

James

James Cephas and John--- Gave to me and Barnabas the right hands of Fellowship, &c. The third is, *Lev. 6. 2.* where the Word *Fellowship*, in our English Text, is, in the Margine, word for word from the Hebrew, rendred *putting of the Hand*. The fourth and last is, *Jer. 50. 15.* *Shout against her round about : She hath given her hand : Her Foundations are fallen, &c.* These, I say, are all the Passages of Scripture which he produces to prove, that God approves of the Ceremony of Joyning Hands : But what all or any of these Texts can make for his purpose, is not very easy to find out. *Giving the Hand*, *Jer. 50. 15.* is probably not the Ceremony of any Covenant at all, and much less of a Marriage Covenant, but only a Token of yielding or submitting; as a Man who delivers himself up a Prisoner, holds forth his Hands to be Tyed or Manacled; the like expression whereunto we have in the same Prophet, *Lam. 5. 6.* *We have given the Hand*, that is, we have yielded our selves up as Servants or Slaves, *to the Egyptians and to the Assyrians, to be satisfied with Bread.* Thus also, *2 Chron. 30. 8.* *Giving the Hand,*



*Hand*, in the Original, is in the Text Translated by *yielding*; and in the same sense, we may well take the above-mentioned words of *Ezek. 17. 18.* Then as for, *Lev. 6. 2. Putting of the Hand*, there signifies, not the joyning Hands in Token of a Covenant, but, the receiving of a thing put into his hand for Trade or Commerce sake. Nor, lastly, can we be assured from, *Gal. 2. 9.* that *James, Peter, and John* did formally joyn Hands with *Paul* in token of their Agreement or Fellowship with him; that expression there being no more but an *Allusion* to that custom and way of making Contracts, which was very common among, both the Jews and Gentiles. So that if I had a mind to contest this Point, I see not how it could be made appear from any of these places, that God approves of Joyning Hands, either in the Marriage Covenant, or any other whatsoever. But, not to dispute this matter any farther with him; let him put whatever Interpretation he can upon any of these Texts; the very utmost that he can gather from them is, That *whereas, upon the making of an Agreement or Covenant, it was a common Custom*



*Custom in the World, to use the Ceremony of Joining Hands, as a token of the Truth and Sincerity of the Persons so Covenanting or Agreeing : God Almighty did not Condemn or disapprove of this same Custom or Ceremony; and therefore it is lawful to make use of it in Contracting of Marriage. And now let us see, whether as much as this (if not something more) may not be Collected with equal probability from the Scripture, in favour of the Ring.*

*Sect. 12. And here, in the First place, When Pharaoh took Joseph into his most particular Favour and Kindness, and Appointed him to be Ruler over the whole Land of Egypt; He took off his Ring from his Hand, and put it upon Joseph's Hand, Gen. 41. 42. That this was done by Pharaoh as a sign or token of his Truth and Sincerity, in what he then profest to Joseph, I believe will not be denied : And if there had been any thing in this Ceremony, that had been Offensive to Almighty God, a Man so Righteous as Joseph was, and also Divinely Inspired, would, probably, never have submitted to it. The like Ceremony we find to have been used by King*  
*Ahasuerus*

*Ahasuerus* to *Mordecai*, Est. 8. 2. who was so strict an Observer of the Law of God, that he would not, against his Conscience, *do Reverence* to *Haman*, Est. 3. 2. altho' by his Refusal he ran the hazard, not of his own Life only, but also of the Destruction of the whole Nation of the *Jews*; and therefore we may believe, would not have accepted of the Ring from *Ahasuerus*, if there had been any thing unlawful in it. And altho' we suppose that the Ring was given to *Mordecai*, that he might there-with Seal the Letters that soon after were Written in favour of the *Jews*, (and yet the Ring was given before the request was made for the Letters) yet still, the Delivering of the Ring, with the King's own Hand into *Mordicai's*, was plainly intended as a sign or token of his Truth and Sincerity. And Lastly, When our Blessed Saviour, in his Parable, *Luke 15. 11. &c.* would Represent the Love and Kindness, wherewith the Father received his Repenting and returning Son; amongst other things, he tells us that the Father Commanded to *put a Ring on his Hand*, v. 22. And if, in Our Saviour's Judgment, the giving

giving of a Ring be a proper Token to represent a Father's Affection to his Son; What fault can be found with it, when it is made use of, in the like manner, as a pledge of that Love and Honour which a Man bears to his Wife?

SECT. 13. If any Man shall tell me that God's Approbation of the use of the Ring, in the Contract of Marriage, cannot be fully Inferred from any, or all these places of Scripture that I have Quoted, I shall not much Dispute the Matter with him; for I know no need that there is of quoting any *Text* at all for this purpose: And to me it is enough, that the *Giving and Receiving of a Ring* in this case, is by lawful Authority, Appointed for a lawful End, that is to say, to be a *Token, Pledge, or Memorial of the Marriage Covenant*, and of the Mutual Love and Respect, which the Husband and Wife have promised, one to the other; as *Jacob's Pillar*, Gen. 28. 18, &c. was of the *Vow* that he made unto God (to omit other parallel Instances that may be given.) And if any Man shall pretend that this is an unlawful Institution; it is his business to shew the Law  
that

that prohibits it, and not mine to prove that God expressly or particularly Approves of it. All that I intended these Texts for, wasto shew, that as Joining of Hands, and giving and receiving of a Ring in Marriage, do in all other respects, stand upon equal Terms, (as I have shewn, *Sect. 10.*) so is there as much, at least, to be said from Scripture for the latter, as from the former : And therefore, he that Condemns the Liturgy for the one, must if he be true to his Principles, as well Condemn the Directory for the other. And let this suffice for the Second thing propos'd; which was to shew, that *the use of the Ring in Marriage is every way as Lawful, as that of Joining of Hands*; both of them being equally Ceremonies; equally of humane Invention; equally in use amongst the Heathen; equally significant (that is equally designed to signifie something intended by the Parties;) and, if equally significant, then equally Mystical; and lastly, equally Approv'd of (that is to say, neither directly, or expressly approved or disapproved of) by God in the Holy Scripture.

Sect. 14. I proceed therefore to the Third thing, which is to answer his Objections against Ceremonies in general; some of which seem only to be implied; others are more fully set down; but all of them, I think, requiring to be a little more clearly exprest, as well as put into a more exact order: But I shall endeavour to insert the scattered hints into their proper places.

First then, He finds fault with Ceremonies, because they are *Mystical* and *Significant*; and therefore we may as well pretend to *Institute Sacraments*, pag. 31. I Answer, that our Ceremonies are *significant* no farther than as they are signs and tokens of our own inward Thoughts or Disposition of Mind, (as I have said, *Sect. 9. Prop. 6.*) and therefore not at all to be likened to *Sacraments*; the main design of which, is not only to signify God's Blessings (as he here imperfectly tells us) but also to Convey them to us; and where the *Mystery* or harm is, for Men to agree upon, or Appoint certain outward signs or tokens of their inward Sentiments or Resentments, I have long desired to know, but never yet could learn: If in this there be any *Mystery*, then not only to kneel or bend the



the Body in Divine Worship, to Join Hands, or give a Ring in Marriage; but even to speak a Word, at least in any Religious Performance, must be a *thing Mystical*; since every Word is an outward Sign of what we inwardly think or resolve. But, says he, they are *Invented and Imposed by Men in Matters Religious* : And he *cannot be perswaded, that God hath Authorized Men to Institute them*. I Answer, That since the Natural signs of our inward Conceptions are very few and imperfect in their signification, either Men must *Invent*, that is to say, find out others to supply this defect, or else we could have very little Society or Conversation amongst our selves: And since some of these signs must unavoidably be made use of, to express our inward Intentions in all *Religious Matters* that are publicly transacted; the General Direction, both of the Law of Nature, to avoid Confusion in all things that relate to God; and of the Holy Scripture, That *all such things be done decently and in order*, is a sufficient Warrant to lawful Authority, to fix and Determine both the Words and other Circumstances of all such things,

things, and to *impose* them upon such as are in Subjection to them (see *Seet. 9. Prop. 3.*) provided that nothing be left undone that God requires, nor any thing required that God, either directly or by a just consequence, forbids.

*Sect. 15.* Secondly, He Objects again, *ag. 31.* that it is *dangerous* (he might have said unlawful) *to add to God's Words*, *Rev. 2. 18.* But how this is to be applied to the purpose, he does not think fit to explain. *To add to God's Word* in the Text Quoted, plainly signifies to obtrude something upon the world, as spoken by God, which really was not so: But can he lay this to the charge of our Church? Or will he venture to say, that Laws made by lawful Authority for the establishing of certain Rites and Ceremonies for the sake of Decency and Order, and to signify and denote, not what God does or has done for us, but only with what sort of Mind or Resolution we perform such Religious Duties (See *Seet. 9. Prop. 5, 6.*) will any Man, I say, venture to affirm, that such Laws as these, are such an addition to God's Word, as is there or any where else forbidden in the Holy Scripture? If this

be what he means, I know no Church that can escape his censure, and the Directory which imposes some Ceremonies ( as Sitting at the Holy Communion, and Joyning Hands twice in Marriage ) that God by his Law does not require, must fall under this stroke as well as the Liturgy. But if not this, but something else be his meaning; he must explain it more fully, if he expects to have it either Received or Answered.

Sect. 16. In the third place he Objects pag. 31. That *other Reformed Churches condemn Ceremonies as well as the Presbyterians*- For the proof of which he produces the *Wittenburgh Confession* : And here I desire the Reader to observe,

First, That the first Period which he sets down out of this Confession is taken, word for word, out of a Book ; Intituled, *The Confessions of Faith of all the Christians and Reformed Churches, &c.* Sect. 17. ( For as for the other Period which he adds with this Introduction, *Further say they, I know not from whence he takes it* ) Now altho in this same Section of that Book ( which Treats of *Rites, Ceremonies, and things in different* ) there is an extract made out of

eleven several publick Confessions; yet is there not one word in any of them (not in this of *Wittenburgh* it self) that opposeth Ceremonies, as they are established and maintained in our Church, of which I have given a full Account, *Seet. 9.*

Secondly, That no less than seven, if not all of these Confessions do expressly, or by most plain consequence, approve of Rites and Ceremonies, in such a manner as we stand up for them. As first, The latter Confession of *Helvetia*, pag. 401. *A few moderate simple Rites, that are not contrary to the word of God, do suffice the Godly: And that there is found diversity of Rites in the Churches; let no Man say therefore, that the Churches do not agree. We at this Day, having divers Rites in the Celebration of the Lord's Supper, and in certain other things in our Churches, yet do not disagree in Doctrine and Faith; neither is the Unity and Society of our Churches Rent asunder. For the Churches have always used their Liberty in such Rites, as being things indifferent.* 2. The Confession of *Bohemia*, pag. 402. *Humane Traditions, Constitutions, and Ceremonies brought in by a good Custom: Things inferiour in degree and less necessary, Instituted and ap-*

pointed in regard of the Ecclesiastical Ministry, and to serve thereunto; are with an Uniform Consent to be retained in the Ecclesiastical Assemblies of Christian People at the common Service of God. Again, pag. 405. If so be that there be any unlikeness in Traditions and external Ceremonies. Certainly no Man ought to be so ignorant in these things, as for this Cause to be offended therewith, or to take Offence at others, and in this respect to Reproach or hurt others, or to be an Author of Sects and also of Factions. 3. The French Confession, pag. 406. Every place may have their peculiar Constitutions, as it shall seem convenient for them. 4. As to the English Confession (by which he means not the Thirty Nine Articles, but, Bishop Jewell's Apology for the Church of England, from whence he has Translated the passage which here he sets down) pag. 406. Because the Right Reverend, the Author thereof is allowed by all, not only to have been a great Champion in behalf of the Reformation, but also to have exprest the Sense of the Church of England as truly as any Man; I will set down this passage of it at large, that the Reader may see how exactly agreeable it is to what I have said



of Ceremonies in general ; *Seet. 9. As touching the multitude of vain and superstitious Ceremonies, we know that St. Augustine did grievously complain of them in his own time : And therefore have we Cut off a great Number of them ; because we know that Mens Consciences were encumbred about them , and the Church of God overladen with them. Nevertheless we keep still, and esteem not only those Ceremonies, which we are sure were delivered to us from the Apostles, but some others too besides , which we thought might be suffered without hurt to the Church of God : For that we had a desire , that all things in the Holy Congregation might , as St. Paul Commandeth, be done with Comliness and in good Order. But as for all those things, which we saw, were either very Superstitious, or utterly Unprofitable, or Noisom, or Mockeries, or contrary to the Holy Scriptures, or else unseemly for sober and discreet People ; whereof there be infinite Numbers now a days where the Roman Religion is used . These, I say, we have utterly Refused, without all manner of exception ; because we would not have the Right Worship of God to be any longer Defiled with such Follies. Add hereunto what our Church expressly says, before her Liturgy.*

turgy, of Ceremonies *why some be Abolished and some Retained*; and nothing I think will then be wanting to give a full and fair Account, to every Sober and Reasonable Man of our Opinion and Doctrine concerning Ceremonies. 5. The Confession of *Ausburg*, pag. 407. Such Rites are to be Observed as may be kept without Sin, and do tend to *Quietness and good Order in the Church*. They are indifferent things, which, without the case of Offence, may be omitted: But such as break them with Offence are faulty, as those which do rashly disturb the peace of the Churches. Again, pag. 414. True Pastors of the Churches may Ordain publick Rites in their Churches. 6. The Confession of *Saxony*, pag. 415. For Orders sake, there must needs be some decent and seemly Ceremonies. Again, pag. 419: Ceremonies invented by Man, such as are seemly devised for Order, may be observed, without any opinion of Merit, Worship, or Necessity. Those Errors being removed, afterward, we both observe certain Ceremonies, which are comely, and made for good Order, and also Teach that they ought to be Observed. 7. The Confession of *Sueveland*, pag. 421. They reckon no Traditions for Mens Traditions (that is, I suppose, to

be

be forbidden as such) but such as are Con-  
 demned in Scripture, but such as are contrary  
 to the Law of God,--- such as agree with the  
 Scripture, and were Ordain'd for good Man-  
 ners, and the profit of Men; altho' they be  
 not word for word exprest in the Scriptures;  
 nevertheless, in that they proceed from the  
 Commandment of Love, which ordereth all  
 things most decently; they are worthily to be  
 accounted rather of God than of Man: Ma-  
 ny such the Church, at this Day, for good Cause  
 Observeth, and upon Occasion, also maketh  
 new; which, who so refuseth, he despiseth the  
 Authority, not of Men, but of God. To which  
 let me add. 8. The Belgick Confession,  
 which I forgot to mention in its proper  
 place, pag. 407. It is, indeed, profitable, that  
 the Elders which do Govern in Churches,  
 should Appoint some Order among themselves.  
 That is, in other words, should Determine  
 some things for the practice of their Re-  
 spective Churches, which are not deter-  
 mined by the Law of God; See Sect. 9.  
 Prop. 3. All these Quotations, I say, out  
 of so many several Confessions, our Au-  
 thor might have found, in Defence of Ce-  
 remonies, in that very Book, from whence  
 that single Passage of the Confession of

*Wittenburgh* is taken. From whence let the Reader Judge of the Sincerity of that Man; who upon no other ground but this, can affirm, that *other Reformed Churches Condemn our Ceremonies.*

Sect. 17. Thirdly, I must desire the Reader here also, to observe, that whatsoever is spoken against Ceremonies, in Religious Performances, either by any of those whom this Author Quotes, or generally, by any Impartial and Moderate Divines whatsoever, is not intended against Ceremonies, as they are Established in our Church, that is to say, as humane Institutions, Appointed for Order and Decency's sake, and as signs of the Inward Thoughts and Disposition of our own Minds; but their Objections always run upon one or more of these or the like Suppositions; *viz, that such Ceremonies are imposed, either,*

1. *In too great a Number*; which, altho' not directly and simply unlawful, yet is very Burthensom and inconvenient; Or

2. *As perpetual and unalterable*; which is contrary to *Christian Liberty*; and sets up a humane Institution upon a level with God's Law; Or

3. *As*

3. *As Signs and Tokens of God's Graces and Blessings conferred upon us* : Which is to make them *Mystical Rites*, and is a thing of very dangerous consequence : Altho' perhaps it may not be so easy to prove it to be absolutely and universally Sinful ;  
Or

4. *As Instruments whereby God's Grace is exhibited to and conferred upon us* ; which indeed would be to set them up as *Sacraments* ; Or

5. *As things that Merit God's Grace*, which is contrary to sound Doctrine ; Or

6. *That these Ceremonies are equalled to, or preferred before things that are Commanded by God himself*, which is Superstition ; Or

7. *That they are in themselves unseemly and indecent* ; and so apt to bring a Dishonour upon Religion it self. Upon these or the like Grounds, I say, it only is that sober and impartial Men do Dispute against Ceremonies, nor does our Establish'd Church in the least Uphold or Defend them under any of these Notions ; altho' our Adversaries, to give some small Colour to their Objections, are forced, without the least ground for it, to lay some of these things to her Charge.



Sect. 18. And this most abundantly shews, how little to the purpose all the Authorities that he Produces against Ceremonies are : For which, I need only to Appeal to the Words themselves as he has set them down. The *Confession of Wittenberg* (which he Cites, pag. 31.) speaks only of Ceremonies appointed to shadow forth the truth already laid open, and brought to Light by the Gospel ; As in the Day to set up Candles to signify the Light of the Gospel ; Or to carry Banners or Crosses to signify the Victory of Christ through the Cross, &c. That is to say, as Signs and Tokens of God's Graces and Blessings conferred upon us (See Sect. 17. N. 3.) The next Quotation, pag. 32. (From whence he has, it he does not tell us) expressly allows of such Laws as pertain to Order and Decency ; And speaks only against Mystical Rites, such as should be parts of God's Doctrine, or kinds of Sacraments (See Sect. 17. N. 2. 4.) Peter Martyr (whom he next quotes, but refers to no Part of his Works) speaks only against our devising means to Excite Faith-Means or Instruments by which God must work our Salvation : (See Sect. 17. N. 4.) Danaus, who next comes, speaks (but where

where, he does not inform us) only against  
 humane Institutions being made a Sign of  
 spiritual things (See Sect. 17. N. 3.) And  
 lastly Bishop Taylor whom he Cites at large,  
 pag. 32. 33. in his *Ductor Dubitantium*,  
 B. 3. C. 4. R. 20. Disputes only against  
 such Ceremonies as are not matters of Order  
 and Decency; but meerly for signification and  
 representment of some Truth or Mystery. (See  
 Sect. 17. N. 3.) And even these he Re-  
 fects, not as being directly unlawful, but  
 because they often Degenerate into abuse;  
 And therefore, to make a Law of these is  
 not safe; nor, as he Judges, Directly with-  
 in the Commission of the Ecclesiastical Power.  
 And afterwards he Insinuates another  
 Objection against these sort of Significant  
 Ceremonies in the Church of Rome, viz.  
 Their Levity and Theatrical Gayety, unbe-  
 fitting the Gravity, Purity and Spirituality  
 of Christian Religion. (See Sect. 17. N. 7.)  
 In a Word; if we search all the Books  
 generally of all the Protestant Divines a-  
 broad, and those amongst our selves, who  
 have not been misguided by Passion, Pre-  
 judice, or an over-great concern for a  
 Party, I believe we shall scarce ever find  
 any one Objection amongst them, against  
 Cere-

Ceremonies, but what is grounded upon some such Supposition, as I have but just now set down. *Sect.* 17. In which it is plain, that the Established Church is no way concerned.

*Sect.* 19. But here perhaps it may be said that, However, what I have urged may seem sufficient to Vindicate all the rest of our Ceremonies, yet still the *Sign of the Cross* after Baptism (which seems to be both a Significant and Mystical Ceremony) will remain Liable to a very just exception, And therefore *the Cross might have been crossed out*, as we are told, *pag.* 33. Now altho' this, properly, is no Part of our present Controversy, the Subject of which, is only our *Form of Marriage*; yet because this Author gives a hint of it, and thereby throws it in my way, it will not, I conceive, be very Improper to insert a Word or Two for the Vindication of our Church in this particular.

First then, I never yet could meet with any sufficient Argument (nor does Bishop *Taylor* in the Place quoted, so much as offer any) to Prove, that even a *Mystical Ceremony* of humane Institution is so absolutely and universally unlawful, as that

it cannot at any time without Sin be  
 used or complied with : (Altho' I freely  
 allow, with him, that such things are  
 not *safe*, because they are very Liable to  
 be *Abused* and Misconstrued, and there-  
 fore that they ought not to be Establish'd  
 by any humane Law) Instead then of  
 crying out against the Sign of the Cross,  
 as a *Mystical Ceremony*, (the true Notion of  
 which they leave in the dark) the business  
 of our Adversaries ought to be to prove  
 it, as used by us, to be *Unlawful*, and to  
 produce some plain Law of God, which,  
 either expressly, or by good Consequence,  
 forbids it.

But, Secondly, If we will take the sense  
 of our Church from Her own Words, and  
 not from the Fancies, or (it may be In-  
 nocent) Mistakes of particular Men; it  
 is Evident, that She designs no Mystery  
 in the Sign of the Cross, (or any other of  
 her Ceremonies; as appears from the  
 short Discourse of Ceremonies, prefixt to  
 the Book of Common-Prayer) but only  
 appoints it as a *Token*, or  
 Memorial, whereby every  
 Person that has been Bap-  
 tised in her Communion

See the words  
 after Baptism, in  
 the Common-  
 Prayer.

may,

may, more particularly be put in mind, that he should *not be ashamed to Confess the Faith of Christ*, altho' he be a *Crucified Saviour*, but *Manfully Fight under his Banner, against Sin, the World, and the Devil*, and, bearing his Cross with Patience and Perseverence, continue *Christ's Faithful Soldier and Servant, to his Lives End*. The Sign of the Cross, I say, is thus Appointed by our Church to be made; not as an Aid or Assistance, but only a bare *Memorial* to Persons that are Baptised, the more effectually to put them in mind of what they ought to do in the whole Course of their Lives. If Christians, living in a Heathen Country, should Agree to put up the Sign of the Cross in their Houses, or to imprint it on their Bodies (as I remember, somewhere, to have Read of some of the poor Eastern Christians, at this Day;) not as paying any Worship to it, or supposing it to be a means of conferring Grace, but only as a pure *Memorial*, to keep them in the better remembrance of their Faith and Duty; would any one, that is himself a Christian, blame the well-meaning Zeal of such Persons as these? in like manner, If

in



in the midst of a wicked and naughty World, the Church Appoints the Sign of the Cross to be made upon every Person that is Baptised, and that for no other Reason, but that the constant use of this Ceremony, may keep all well Disposed Persons in mind of their Christian Profession, and the Obligations that are Consequent to it : Is it not great Uncharitableness in any one, who professes the same Faith with Her, to Condemn and Villifie her for so innocent a Custom and Constitution as this? let all Men of Candour and Temper Judge of this Matter. And this is all, which at present, I have to say upon the third thing laid down, which was *to answer our Adversaries Objections here propos'd against Ceremonies in general.*

Sect. 20. I come now to the Fourth thing, which was *to return an Answer to what he urges in particular against the Ring, our Manner of using it, or the Words that accompany it.* And, First, He Objects, *pag. 31.* that the Ring is a *Significant and Mystical Ceremony.* I answer, that *significant*, indeed, it is; but then it is put to signifie no more than what Man has a Power to appoint

point it for, that is to say, that it is really a *Covenant* that the Married Persons have entred into, and consequently, that they have acted without fraud or Collusion: (see *Se&ct. 9. Prop. 6.*) But this Author pretends that *it is expressed in the Prayer annexed to it*, that the Ring signifies more than this; viz. *that they may ever remain in perfect Love and Peace together; and live according to God's Law*, pag. 31. In which, his design, I suppose, is to Insinuate, that we look upon the Ring as an Instrument; or at least, a sign of God's Grace, conferred on the Persons Married; whereby they are enabled to live in Love, and to serve God in the *Conjugal Estate*; and consequently therefore, that it is a *Mystical Rite*. But let the Reader only cast his eye upon the Words of that Prayer, as it stands in our Liturgy, and he will presently see that Supplication is therein made to God for the Married Pair, that they may perform their Duty; but as for the *Ring*, it is only occasionally mentioned as a *Token and Pledge of*, neither more nor less, but only *the Vow and Covenant betwixt them made*: The Words of the Prayer, are thus, *Send Thy Blessing upon this Man, and this*

Wo-

Woman,--that--these Persons may surely perform and keep the Vow and Covenant betwixt them made, (whereof, (that is to say, of which Vow and Covenant, and nothing else) this Ring, given and received, is a Token and Pledge) and may ever remain in perfect Love and Peace together, and live according to thy Laws. How was it possible for a Man of the least sense, so grossly to mistake the meaning of such plain words? and this also, immediately shews the Vanity of that Pretence, that the Ring is intended for a Mystical Right; (see Sect. 9. Prop. 5. and Sect. 17. N. 3.) but still he will have it to be a Mystical significant Ceremony, because it is done, *In the Name of the Father, the Son, and the Holy Ghost*. When Men make their last Wills, it is an usual way to begin them thus, *In the Name of God, Amen*; but did any Man ever pretend, that a Mystery was intended in every or any such Wills, on account of those Words which occur in so many of them? *In the Name of God, or, of the Father, the Son, and the Holy Ghost*, is a common form of Speech, taken up by Christians, whereby they often mean no more,

more, but that what they do is in the fear of God, and as in his presence, (altho', I grant, that upon some occasions, the same words do carry another sort of signification.) Now if any Man pretends, that our Church, in these same words, when they accompany the Ring, has any other meaning than this, let him produce his Reasons for what he says, and they shall be weighed and Considered : But at present, I see no *Mystery* that there is in a Christians Declaring; and that in any suitable and well-known form of Words, that what he does, in such an Affair as this, is in the fear of God, and with a due sense of his presence: Nor can I apprehend, how or why this should be look'd upon as *taking the Name of the Blessed Trinity in vain*, as this Author Suggests that it must be, if there be not some *Mystery* to be signified by the Action. But, says he, Either *the Ring, and other Rites accompanying it, are of Mystical signification, or else every Curate must be a Master of Civil Ceremonies*. But what strange trifling is this? The Contract of Marriage may well be look'd upon as partly *Civil*, (the good of the Body politick being

being concern'd in it) and partly *Religious* (as being an holy Ordinance of God.) Let us suppose then, that the Law-Makers have Appointed some *Civil-Ceremonies* therein to be Joined with *Religious Performances*, and thought fit to Entrust the *Curate* of every Parish, to see that all be done as the Law requires, I desire to know where is the Sin, or even the Absurdity of this? Again, is there no Medium between a *Civil* and a *Mystical Ceremony*? if not, I desire to know how he will free the Ceremony of *Joining Hands*, which the *Directory* prescribes, from the Absurdity that here he would charge upon that of the *Ring*? But let me tell him, that a Ceremony may be by Lawful Authority Appointed to be used in a *Religious Performance*; and therefore may be called a *Religious*, and not a *Civil Ceremony*; and yet this same Ceremony may be no more but a *Circumstance*, and not a *part* of Religion; and being put to signifie no more but the Thoughts and Intentions of our own Minds, may have nothing at all of *Mystery* in it, or intended by it.



Sect. 21. Secondly, He Objects, pag. 34. that *Hooker* and *Heylin* tell us, that the Ring in Marriage was of Use among the Romans, when Heathens; --- And God hath prohibited his Church to use Heathenish Customs. To which I might answer, that Joining of Hands also appears to have been in Use among the Heathens, not only Universally in all Contracts, (as this Author seems to allow, pag. 39.) but also particularly in that of Marriage (as Dr. *Comber* shews in his Discourse upon that part of our Liturgy: ) Nor is one of these Ceremonies any more countenanced, or patronized in Scripture than the other, as I have already Proved, Sect. 11, 12, 13. Let then our Adversaries Vindicate that Ceremony which is prescribed in their own Directory, from this Objection of being Heathenish; and the same Answer, if it be Good, must justify our Form of Matrimony also, in this particular. But because some Men, when they cannot prove a thing to be unlawful, do think it enough to give it an odious name, amongst which, that of Heathenish (and the like of Popish) seems to look somewhat ill-favouredly; it will

not be amiss, here to shew how far it is lawful, or unlawful, blameable or allowable for Christians to make use of Heathen Customs; and the same may serve as a Rule to Protestants, in Rejecting or Retaining some things that have been, or are practised by the Papists.

Sect. 22. First then, *Whatsoever has been practised by the Heathens, with an Idolatrous, Superstitious, or any Evil Intention whatsoever; it is unlawful for Christians to do the same thing, with the same, or the like Intention.* The reason of this is plain; because such an Intention is always unlawful in every Action whatsoever.

Secondly, *Such things as in themselves are harmless, and have been practised by the Heathens; without any manner of evil Intention, may also, in the like manner, be practised by Christians.* The reason of this is no less plain than the former; viz. because where the outward Action is harmless, and the inward Intention known to be innocent, no room can be left to tax such a practise as Unlawful.

Thirdly, *Such things as in themselves are harmless; but have been practised by*

Heathens, with a Superstitious, Idolatrous, or evil Intention, may yet lawfully be practised by Christians; provided not only that the evil Intention be laid aside; but also such an open Declaration made of the innocency of their design, as may be sufficient to remove all Scandal. For there can be but three Objections made against the lawfulness of any practice whatsoever; *Viz.*

1. Against the practice it self, that it is contrary to God's Law.
2. Against the Intention or design, wherewith it is accompanied, that that is Evil.
3. Against the consequences of it; that it gives Scandal, and is the Occasion of other Mens Sinning.

And if every one of these Objections be removed (as is supposed in the present Case) nothing more can fairly be said against such a practice. And indeed, the case of Christians would be strangely Perplext and Troublesome, if it were unlawful for them to do a thing, innocent in it self, for no other Reason, but because the Heathens did the same thing with a Superstitious, Idolatrous, or any other evil Design. To kneel at our publick or private Devotions; and to build Churches for the Worship of God

God, might at this rate, be look'd upon as sinful; because the Heathens built Temples for their false Gods, (long before a fixt House was Erected for the True one) and used the posture of kneeling in some parts of that Worship which they paid them : And many other things, which all Men generally practise without the least scruple, may upon the same Principle be called into Question. In a Word, the Law of God is the only and final Rule of Good and Evil; What that Commands or forbids, either directly, or immediately, or else more remotely and by a just Consequence, must accordingly be done or avoided by us : But it would be an endless Task, for Christians to be obliged to search into the practise of all the Heathen, in order to avoid, and explode all those things which were in use amongst them; and that only, because they used them.

But this Author tells us, *pag. 34.* that *God hath prohibited this Church to use Heathenish customs.* I Answer, that if he lays down this as an Assertion Universally true, and without any limitation or exception; then, (according to him) not only the



Ring, and Joining of Hands, building of Churches, and kneeling at Prayers; but also wearing of Coats or Clokes, and a thousand such things, which no Man thinks amiss of; must be laid aside; because they were *Heathenish Customs*; But if he means, not that all *Heathenish Customs* Universally, but only under certain limitations and qualifications, are forbidden; Then he ought to have laid down these same limitations and qualifications, that we may be able to know, distinctly, how far it is lawful, or unlawful to use or imitate such Customs: Nor am I able to find out any other Rules or Restrictions in this matter, excepting those which I have laid down in the three foregoing Propositions.

But he Quotes, *Jer. 10. 3.* where God says, that *the Customs of the People are vain*; but let the Reader examine the Context, and he shall find, that this is spoken, not Absolutely and Universally of all their Customs whatsoever, but only of certain Superstitious and Idolatrous customs that were among them; as their being *disinayed at the Signs of Heaven*, or Configurations of the Planets, &c. and their Making and decking



decking of their Idols, v. 3, 4, 5. And these, and such like are the *ways of the Heathen*, which they are forbid to learn, v. 2. Again he Quotes, *Lev. 19. 27.* where the People of *Israel* are forbidden to round the corners of their Heads, or to Mar the corners of their Beards. But (besides that, we are not told, that the reason of this Prohibition was, because these were *Heathen Customs*) will it follow, that, because in a Ceremonial Institution (such as great part of the Jewish Law was) God was pleased to forbid some things (as he Commanded others) that in themselves were neither good nor evil, will it follow, I say, that these ceremonial Prohibitions (any more than the ceremonial Commands) must extend to Christians also? he that affirms this, had need bring very good proof of it; or else he attempts to put a Yoke upon Christ's Church, which God has not put upon it; he most evidently adds to the Law of God in that very sense, in which such Additions are forbidden; he frames a Share to entangle weak Consciencies; and infringes that liberty wherewith our Saviour Christ has made us free.

And

And now, to apply all this to the matter in hand. Suppose the Ring in Marriage to have been in Use among the *Heathens*; (nay, suppose that they had some Superstition in the use of it, which yet does not appear,) yet, as long as the thing is innocent in it self, (being no way forbidden by God's Law) and used by us (and so accordingly declared) without any superstitious or evil Intention whatsoever, (being only a *Token and Pledge of the Marriage-Covenant*, as Signing, Sealing, and Delivering of Deeds is in affairs that are purely Civil) it will follow, that the use of it, in the Contract of Marriage, is no way unlawful to a Christian.

But he tells us, that *the Heathens Superstitiously valued the Circular Figure; and therefore, to please their Gods, they built their Temples round.* What then? If the Heathens had never so many superstitious Conceits about the Circular Figure, may not we Make and Use Circles, Rings, and Hoops without being partakers of their Superstition? Must the Vessels that we make use of in the Holy Communion be square, because those used by them in their Idol-Feasts

Feasts were round? and must the Round Church in *Dublin* be pulled down, and built in another Form, because (as this Author tells us) *the Temple of Vesta, and the Pantheon* were of that shape? or, where will the End of such Conceits as these be, if Men will Indulge them, and so be bound to pursue the Consequences of them? And as for what he adds, that a Ring is no more a Sign of *Fidelity* than it is of *Circumvention*, and as much signifies, that *Love* should never begin, as that it should never end: I shall only say that, all that our Church or Law intends by it is, that it should be a *Token or Pledge* of the *Marriage-Covenant*, nor was there any other reason for Appointing this particular Ceremony, but only an innocent Custom, that had obtained in the World, that a Ring Given and Received, was look'd upon as a Sign of Mutual Love and Sincerity. Some Men may innocently imagine, other fanciful, tho' not Mystical Significations in it: But the Church is no way concerned in their particular Conceits.

Sect. 23. Thirdly, He Objects, pag. 34.  
*That the Ring must be laid upon the Book of*  
*Common-*

*Common-Prayer.* But where is the Sin or harm of this? O! a great deal; for *this Sacred Rite*, says he, *appears to be designed for Consecration of the Ring.* Now, let us suppose that our Church had Appointed such a Consecration of the Ring, as is commonly used (tho' not by Law prescribed) to the place where the Parties stand to be Married, at the first Dedication of a Church, which (as he Quotes it out of Bp. Sparrow's Collection) consists only in a Prayer to God, *that such Persons, as shall be there Joined in the Holy State of Matrimony, by the Covenant of God, may live together in holy Love to their Lives End*: Suppose, I say, that such another Prayer, as this, had been appointed to be said at the time when the Ring is laid upon the Book, I Demand what Hurt or Evil would there be in it? But how does it *appear*, that any *Consecration of the Ring* is at all *designed* by us? Has our Church any where declared, or so much as suggested any such thing? Not in the least: Or has any one of our Divines, so much as once affirmed it? He does not pretend it; and yet he says, *it appears*, that the laying of the Ring upon the

Book

Book of Common-Prayer, is *designed* for the *Consecration* of it. How does it appear then? Why (he tells us) from the *Roman Ritual*, where the *Ring* (with the *Arrhas*) is by *divers Crossings*, *holy Water*, and *certain Benedictions*, *Consecrated* for the *use in hand*. But a Man of Reason and Candour, would rather have concluded, that, because we have laid aside these *Benedictions*, &c. of the *Ring*, therefore we intended no *Consecration* at all of it. O. but our *Church* (as he pretends) *does the whole work by a touch of the Book*, which *was likely Consecrated* (as it ought to be) *when the Church was Consecrated*. Who can with patience bear this Dis-ingenious trifling? When a Church is first built, it is by our Constitution to be *Consecrated*, that is to say, *Dedicated*, and given up to the Service of God; which Office, is accompanied with Prayers that are proper to that Occasion. But upon what Ground does he pretend, that our Book of Common-Prayer *ought to be Consecrated*? Or, suppose it were *Consecrated*, must therefore the *Ring*, or any other thing that touches it, be also thereby immediately Con-



Consecrated? Or does he think that we never read the Book of the Prophet *Haggai*, where we are abundantly informed, that

If one bear holy Flesh in the Skirt of his Garment; and with his Skirt do touch Bread, or Potage, or Wine, or Oyl, or any Meat; shall It be Holy? And the Priest answered, and said, No, *Hag. 2. 12.*

the bare touching of that which is *Holy*, is not sufficient to make a thing *Holy*? In a word, the Ring with us, is laid upon the Book for no other reason, that ever I could

hear, but only that the due Performance of the Ceremony might be the better Observed, and taken Notice of by those who are present. And tho' this Author has the Assurance to tell us, that *the reason of the practice offered by those who give the reasons of their Rituals and Ceremonies*, is as he has suggested; yet I must needs tell him, that I very much suspect his sincerity in this matter; partly, because he has quoted no Author to make good his Assertion; and partly, because I can very hardly believe, that ever any Man, besides himself, was so extravagant, as to imagine, that the bare laying of a thing down upon a Prayer-Book (and that without any words of Benediction)

on) could, by Men of common Sense, be intended for a Consecration of it : *Bucer*, indeed, if our Author, *pag. 35.* rightly Quotes him, says, that the putting of the Ring and other Gifts upon the Holy Book,----doth signifie, (that is to say, is a Memorial to put us in mind) that all things we have, before we use them, must be offered to God, &c. but that the bare laying these things on the Book, was intended for a Consecration of those particular things, or to make them more holy than other things of the like nature, was a Thought too absurd for him to entertain. Or, if we should suppose that he were of that Opinion; yet, what is this to our Church, which never has owned any such Intention?

Sect. 24. Fourthly, He Objects the placing the Ring on the fourth Finger of the Womans left Hand, *pag. 34.* which, a little before, he scornfully calls applying it according to Art : But where is the hurt of this? And why not on this Finger as well as any other? A great deal of reason, if you will believe this Author; for according to him, there is not only a deep Mystery, but also a Charm intended by us in this

this Ceremony. For *Heylin* having told us, from the *Old Gramarian Gellius*, that a certain Nerve had been Observed by Anatomists, to reach from that Finger all along to the Heart; the putting the Ring upon this Finger, not only *Mysteriously* signifies, that the Heart of the Husband ought to be bound to his Wife, (he should rather have said, the Heart of the Wife to her Husband) as this Author Quotes the Words out of *Bucer*, but also is a way of *Charming the Wife's Heart* by that Finger; as he farther Comments upon it; pag. 35. Now there being really no such Nerve as this (as *Doctor Brown* hath shewn in his *vulgar Errors*) it will follow, that our pretended *Mystery* and *Charm* have no real Foundation; and therefore it is *unbecoming the Learning and Gravity of the Church of England*, to support such *unaccountable Notions*, and trouble Men for not Assenting to them. In answer to which, I must needs say, that it is very *unbecoming the honesty and Sincerity of any Man* that calls himself a *Christian*, and much more of a *Minister of the Gospel*, (as this Author Styles himself in his Title Page) to give so un-

fair

fair and dis-ingenuous an account of this Matter, it being a notorious Calumny cast upon our Church, to say, that She supports such unaccountable Notions as these really are, and a greater yet, to say, that She troubles Men for not ASSENTING to them.

Sect. 25. To set this very innocent Ceremony therefore in a true light, I must beg the Reader's patience while I give him an account of it from the first Original. That Rings have very antiently been worn for Ornament's sake, besides the use that was made of them for Sealing of Writings; is allow'd by All: And that they were generally worn upon the fourth Finger, appears beyond doubt; because the Name of *Annularis*, or *δακτυλίου*, that is to say, the *Ring Finger*, was peculiarly given to it. Now the most probable Reason why not only this Finger, but also the *left Hand* was made choice of for the wearing of the Ring, was (as *Macrobius* Informs us, *Saturnal. Lib. 7. Cap. 13.*) because that hand being least in use, and that Finger least of any expos'd; the Ring (or rather the precious Stone, which commonly was set in it) being there placed, was least subject



to be injured or any way defaced by rubbing or striking against any thing that might hurt it. Now, in process of time, the Giving and Receiving of a Ring, being by Custom, taken up as a Token or Pledge of true Love, and Sincerity of Affection, (as appears from the Scripture Instances that I have given, Sect. 12.) it might well become common, for the Bridegroom to give such a Pledge to his Bride, as we find it was practised among the Romans; and the same Finger and Hand being still kept to (tho' really for no other reason than what is above given) some fanciful Men, who either did not think of the true Reason of this practice, or else, had a mind to appear more deep in Knowledge than others, began to advance a groundless Conjecture of their own; and to impose it as a certain Truth upon the World; namely, that there was a certain small Nerve (or Vein, or Artery, as others say) immediately continued from that particular Finger all along to the Heart, and to give that as a Reason why this Finger, above the rest, was made choice of for this purpose. And that the Anatomists of those times might not appear to



be ignorant in their own Art, they took this Doctrine up (upon trust; for other reason for it there was none) and inserted it in their Books, (as *Macrobius* tells us in the place above quoted) whereby it came to be generally believed, not only by the ignorant Vulgar, but also by Men of Parts and Learning, (such as *Gellius*, and others) who for a long time, never set themselves to search into the reality of the thing, but received it as a Truth, upon the Credit of those who had Invented or believed it before them: But however mistaken they came to be in their Opinion; yet can I find no ground to charge even the *Heathens* with any thing Unlawful or Superstitious in this particular of the Ring in Marriage. For, altho' upon the common Error that prevailed, they might look upon the Ring, put upon that Finger, as a Sign or Memorial of the Conjunction of Hearts that ought to be between the Married Pair; yet, that there was any thing Supernatural or Magical in the Matter, in order to the Charming the Wife's Heart by that Finger, was never, I believe, so much as thought of by any Man, until this Author, by a dextrous insinuation

on, pag. 35. thought fit to lay it to the charge of the Establish'd Church.

SECT. 26. That the Primitive Christian, did keep up the use of the Ring in Marriage, Dr. Comber, in his Discourse upon that part of our Liturgy, hath shewn from several Passages of the Fathers of the Church : And that the Wedding-Ring continued, among them, to be put upon the usual Finger, is not only Probable from the Innocence and Customariness of the thing it self ; but also appears in some Measure certain from that passage of *Isidorus Hispalensis*, which this Author Recites from Dr. Heylin, wherein he gives the same Reason for it that *Gellius* had done before. But tho' *Isidore*, and Dr. Heylin, with many others, may have been mistaken, and carried away by a Vulgar Error ; yet I never heard that any Christian Church ever took upon Her, to determine that the Heart-strings, either of a Man or Woman, lay in the Fourth Finger of the Left Hand : And so far is our Church from Supporting this unaccountable Notion, or Troubling any one for not Assenting

*Isid.* Hist. De Off.  
se. 1. 2. C. 59.

*Heyl.* Hist. of Li-  
turg. Chap. 7. Sect.

110.

*Assenting* to it (As this Author lays to her charge, pag. 35.) that on the contrary, she leaves every one at Liberty to disbelieve it ; nor was Dr. Browne, or any other Man ever troubled for not *Assenting* to it, or for Publickly Disputing against it. But as the Primitive Christians were not so Quarrellsom, as to find Fault with an innocent Custom, for no other reason, but only because it had been in use among the Heathens ; So our Church, at the time of the Reformation, thought it best no farther to Reject or alter any Ceremonies that had long been in Practice, but as their *number*, which rendred them burthensom, or *abuse*, which made them dangerous, did in some sort Compel her to it : And as she Judged it proper to retain the use of the Ring in Marriage, so was it convenient, for Order's sake, to appoint which Hand and Finger it should be put upon, nor does it in the least appear, that she was moved by any other Reason or Consideration in this particular, but only that she would not be so humourfom, as to make any farther Alteration in an Old Custom, than what appeared to be reasonable and necessary.

And altho' some private Men of her Communion might too easily run into a Vulgar mistake herein, in point of Anathomy, yet, as the Error was altogether innocent in it self, nor the Cause of any Evil or Superstitious Practice among us, (nor indeed amongst any others that I can find) so was the Church (which by no Act of hers, ever in the least Abetted or Supported the mistake) no way at all concerned in it; But always left it as free for the Anatomists or others, to break their Mind in this, as in any other Matter whatsoever.

Sect. 27. His next Objection, pag. 25. is, that the Rubrick requires Men to say, *With this Ring I thee Wed; In the Name of the Father, Son, and Holy Ghost.* But since these last Words here signify no more, but that what is then done, is in the Year of God, and in his Presence, (as I have shewn, Sect. 20.) I cannot imagine what hurt it can be, for a Man to make use of them when he is Ratifying and Confirming the Matrimonial Contract, partly by proper Words Spoken upon that Occasion, and partly by a visible Token and Pledge, appointed by Law for that purpose, such as the Ring is, and why this should be thought



thought a taking of God's Name in Vain (as he pretends to be afraid) I profess I can see no cause to suspect.

But, says he, nothing can be done in the Name of the Blessed Trinity, without Authority from God. I Answer, that when by these Words, *In the Name of the Father, &c.* is meant, I do this by virtue of an Authority derived from God (as it is in the Form of Absolution, to be given by the Priest to a Sick Penitent :) In that case, indeed, nothing ought to be done in the Name of the Blessed Trinity, but where God has given Authority for so doing. But when by the same Words no more is intended, save only, that a Man does this in the fear of God, and with an Apprehension of his presence, (which is many times the case, and particularly is so at this time) no more Authority from God is required, thus to do a thing in his Name, than what he has given, both by Reason, and Scripture, to all Men, to do every thing in such a manner as may most tend to his Glory. (*whatsoever ye do, do all to the Glory of God, 1 Cor. 10. 31.*) which certainly is when we own his Presence, and express a due apprehension of his Divine Majesty in what we



do. But, says he, *pag. 36.* *Nothing should be done in the Name of God but what contributes to his Glory, and may be done in Faith, by Men being assisted and accepted by him.* Well! And does not the Ratification of the Marriage Covenant, and Recognizing the same, not only by Words, which receive their signification from Custom, but also by other signs, which by lawful Authority are appointed for the same purpose, does not this, I say, *contribute to God's Glory?* May it not be done in *Faith?* And may not he who thus enters into that State which God himself has Appointed, *expect in so doing to be accepted and assisted by him?* This Author thinks not: If the *Ring* be the Sign which is so Appointed, and that for no less than three Reasons; First, *Because God hath nowhere required us to Wed with a Ring.* I Answer, neither hath he required us to Wed by taking one another by the *Right Hand*, which the *Directory* Prescribes, nor has he Determined all the Circumstances of any Religious Performance whatsoever: But yet if an Action be good in it self, (and performed with a *right intention of Mind*, the signification of that *right Intention*, by the use

use of any Words or Ceremonies, which are not forbidden, does no way hinder, but that the action it self may contribute to *God's Glory*, may be done in *Faith*, and may be accepted, and the Person in so doing assisted by him. And it is notorious, that the *Giving and Receiving of a Ring*, with us, in Marriage, as also the *Joining of Hands*, is appointed for no more but a *Signification*, or *Declaration* of the Parties, that what they do is Real and with Sincerity; as appears from the words of our *Liturgy*, which I have set down in the *Margine*. But, Secondly, He tells us, that

Have given and pledged their troth either to other, and have Declared the same by giving and receiving of a Ring, and by joining of Hands.

God cannot be the End of this Action, and so hath no Glory by it. Why so, I pray? May not God and his Glory be the End and design of my taking a Wife, according to his own Ordinance, because, in token of my Entering into the Marriage Covenant, I first Join Hands, and secondly speak certain Words, and thirdly put a Ring upon my Wife's Finger, which Three things are alike Uncommanded by God, and Appointed by lawful Authority, for the greater

ter Solemnity and security of a matter of such Importance? If he would have any man to believe so strange an Assertion, he ought to have given some sort of reason for it; and not (as he has done) to lay it down for an Axiom. But thirdly, *How*, says he, *can we expect God's Acceptance and Assistance in that, for which we have neither Precept, Promise, or Example in Scripture.* To which I have already answered, and do farther desire him to shew some reason or proof from Scripture, *why the use of an unforbidden (and therefore Innocent) Ceremony, in any Religious action, should be a hindrance of God's Acceptance of, and Assistance of the Person in that action.*

Sect. 28. His next Objection, pag. 36. And which (according to him) seems yet worse, is, *that the Man must say to the Woman, With my Body I thee Worship.* For the clearing of which Point, I need only to put the Reader in mind, that the word *Worship*, in its Primitive and Genuine Signification, imports no more than the word *Honour*. *Them that Honour me, I will Honour*; says, our last Translation of the Bible, 1 Sam. 2. 30. But in the Former Translation (which was made before

many

many Latine and other Foreign words  
 were grown familiar to our Language) it  
 was thus rendred, *Him that Worship me,*  
*I will Worship* (As Bishop  
 Sparrow observes,) and this Rational on the  
Common Prayer  
Matrimony.  
 (as he farther notes) plainly  
 shews, that to *Worship* was  
 then thought to signifie to *make Worship-  
 ful*, or (As we now speak) *honourable*;  
 that being the only Sense in which God  
 can be said to *Worship* Man. To which we  
 may add, that to this Day, the Style that  
 belongs to some Persons in Authority, is  
 the *Worshipful*, and sometimes the *Right  
 Worshipful*; Not is it Denied, by any  
 Man of Sense, that there is properly such  
 a thing as *Civil Worship*, which imports  
 no more than that *Honour*, which one  
 Man may lawfully give to another. Now  
 let us, for the present, suppose that the  
 Words in our Form of Matrimony had  
 been thus, *With my Body I will Honour*;  
 What would any Man of Candour (And  
 much more a Man of Charity) Judge  
 that we meant by this Expression: Would  
 we tell us, that hereby the Husband gave  
 Religious Honour to his Wife, such as Men  
 give to God, or the Apostles to a Saint or  
 Angel?

Angel? Or could he find any thing in the Words, to give the least colour to such an Interpretation: On the contrary, would not every Man of Common Sense, plainly see, that the meaning could be no more but this, That is to say, *I take thee not into any Base or Dishonourable State or Condition, I take thee not to me, as an Harlot or Concubine, But I take thee into the Honourable State of Marriage, as my Lawful Wife, And by the Union of my Body with thine, until Death shall us part, I impart unto thee a Wife's share of whatever Honour shall belong to me: And all this I do in the Fear and Presence of God, Which I mean when I say, In the Name of the Father, Son, and Holy Ghost.* This, I think, is the plain and natural Paraphrase that every Ingenuous Man would make of the words, if [*Honour*] were put instead of [*Worship*]. And can any Man of Sense and Sobriety, find any thing unlawful in all this? Since then the word *Worship*, signifies no more than the word *Honour*, what just Objection can Lie against the Former, since plainly there is none against the Later? Why truly Dissenters that are Modest and Ingenuous say no more, but that *this Phrase should*



*Should be changed* (not that it is unlawful, but) because it is *Obsolete*. This was Mr. Baxter's Sense of the Matter, As this Author, pag. 41. Quotes his Life : Nor did the Dissenting Divines, who were chosen to manage the conference at the Savoy, in the Reign of K. Charles the II. carry this Objection any farther, as this Author, pag. 42. sets down their words. *The Word Worship* (say they) *being* (they do not say originally improper, and much less unlawful, but) *much altered in the USE of it, since the Form of Matrimony was drawn up, we desire that some other word may be used instead of it.* And if it be demanded, why such an *obsolete Word* is not laid aside, and a more common and better known Word put in the place of it? I answer, that probably the reason may be this, that if we should, in such cases as these, alter Words and Expressions as soon as they grow a little antiquated, this might in process of time, give occasion to so many changes, not only in our publick Liturgy, but also in our Translation of the Scriptures, as might occasion Confusion, offend our own weak Brethren, and expose us to the Scorn of our Enemies of all sorts. And there-

therefore when a scruple is made about any such Word, or Phrase, it may perhaps be better to explain it, and shew what we do, and always did mean by it; than presently to alter it, especially since it will not be easy, nor, it may be, possible, to find out words to please the fancy of all those, who, if such a precedent as this be given, will be ready enough to cry out for more Alterations. And if the word *Worship* be altered in our Form of Matrimony, why not also in our Bible, Luke 14. 10. It may be plausible to begin such Alterations; but not easy to see where the End of them will be.

SECT. 20. Having thus given a clear, and I hope, a rational account of this matter, I come to consider what this Author, in particular, Objects against these controverted Words. And here he tells us, pag. 34. that the *Worship* professed in them, to be given by the Husband to the Wife, must be more than civil Respect, or *Worship*; And by his Arguments, he plainly insinuates, that it must be *Religious Worship*; altho he does not expressly say so. For, First, He tells us, that this *Worship* is prescribed by those whose proper Office it is to direct in

Religious

*Religious Worship.* But is it not the Office of the same Persons, in some cases, to direct in *Civil Worship* also? The *Worship*, that is to say, the *honour* which a Subject owes to the Magistrate, or a Child to his Parents, is what we call a *Civil Worship*, altho' it must be paid for *Conscience sake*. Now because the Bishops and Pastors of our Church, do, in our Church-Catechism, *Prescribe* unto Children, to make profession of the Obligation that lies upon them, to *Honour their Father and Mother*, and Subjects to *Honour the Queen*, and all that are put in Authority under Her, will it follow from hence, that the Honour, or (which is the same thing) the *Worship* hereby intended to be given or *Professed* to Parents or Magistrates, is therefore a *Religious Honour* or *Worship*, because the words of this Catechism are *Prescribed* by those, whose Office it is to direct in *Religious Worship*? If it is, Then I desire to know, how can the Ministers of the Gospel direct Children to Honour their Parents, or Subjects their Magistrates, which yet is allowed to be their Duty? but if not, then why must the *Worship* or *Honour* which the Church in these other Words, appoints

to

to be given or *professed* to the Wife by the Husband be a *Religious Worship*, or any other *Worship* or *Honour* than what is agreeable to the Law of God? But says he, Secondly, *This Office of Matrimony is part of what is called Divine Service.* Thirdly, *It is to be Performed in a place Consecrated to Religious Worship.* Fourthly, *It is to be done in the time of Divine Service :* And what then? Because our Liturgy, in common Discourse, is often called by the name of *Divine-Service* (that being the main End and Design of it;) will it from thence follow, that every particular thing, which is thereby appointed to be Done, must be a part of *Religious Worship*? Or may not a thing, which is no part of *such Worship*, be properly enough appointed to be done in the time or Place of *Divine-Service*? When a Woman, in the Words of the Presbyterian Directory, *promises to be an Obedient Wife to her Husband*; she *Honours* him, that is to say, *worships* him, with that *Honour* or *Worship* which is due from a Wife to her Husband. Now, because this Directory is Intituled, by the Composers of it, *A Directory for the publick Worship of God*; and Marriage is by it ordered to be Celebrated

celebrated in the place Appointed for publick  
 Worship, and to be accompanied with (and  
 therefore performed in the time of) the  
 Worship of God, which is *Divine-Ser-*  
*vice*; will it, I say, from hence follow,  
 that the Wife Honours her Husband with  
 Divine or Religious Honour, when she  
 professes Obedience to him in the Words  
 of the Directory? In a word, the Contract  
 of Marriage (as I have said; *Sect. 20.*) is  
 not only a *Religious*, but also a *Civil* (I  
 mean thereby, both a Moral and Political)  
 Contract : And where is the Sin or Ab-  
 surdity of it, if the Law appoints that the  
*Civil* part shall be performed at the same  
 time and place with the *Religious*? But,  
 says he, *This is said in Præsenti, I do Wor-*  
*ship thee*; and that, *In the Name of the*  
*Father, Son, and Holy Ghost*. I answer,  
 that if the Words are taken in their true  
 sense, and as they were intended, that is  
 to say, *I do honour thee*, (or confer that Ho-  
 nour or Worship upon thee) *as a Husband*  
*ought to do to his lawful Wife*; and this I  
 do in the fear and presence of God the Fa-  
 ther, Son, and Holy Ghost; take the words  
 thus, I say, in their true meaning; and do

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not



not pervert their Sense by a wrong and forced Interpretation; and then let the severest Critick find any other fault with them, if he can, except it be that the word *Worship* is a little Antiquated; which is easily answered to any Man of Candour, by telling him, that by *Worship* we mean no more but that *Honour* which is due to the Wife from the Husband. But, says he, *The Wife ought rather to Worship her Husband, who is her lord.* I answer, there is a mutual and reciprocal Honour or *Worship*, to be paid by the Husband and Wife each to the other: And as by our Liturgy, the Husband is required to do his part; so is not the Wife's part at all forgotten, who both promises; and gives to her Husband that Honour and *Worship* that is due, when she makes a Vow, not only of Faithfulness, but also of *Obedience* to him: And I think our Author ought to have paid greater *Worship*, that is, greater Respect to the Queen's Majesty, than to have used Her Royal Name in that foolish jest, with which he concludes this Paragraph; or to talk of our *Worshipping Her with our Bodies*; so altogether wide from the present purpose. And having thus sufficiently accounted for these Words, (a-

gainst

gainst which, so great an Out-cry is causelessly made) and answered all the Exceptions which this Author brings against them, I need not trouble the Reader with Examining the Answers he gives to Mr. Hooker upon this Occasion : For altho' the account which that Reverend and Learned Person has given of this matter, is very fair and Just; nor do I in the least differ from him in that sense of the Words which he professes to rely upon; (Eccl. Pol. l. 5. Sect. 73.) but am ready to Justifie what he has there said against all this Man's Cavils; yet, at present, my business is to Vindicate not any private Person, but only our Church and Liturgy; and having, I think, here said enough for that purpose, I will not take up my own or the Readers time, by making any unnecessary Additions to it.

Sect. 30. His next Objection, pag. 38. is against these Words, *With all my worldly Goods I thee Endow*; the true meaning of which Expression, is no more, but that the Husband hereby gives the Wife a *Joint Property*, together with himself, in all such *worldly Goods* or Substance, as he is either at that time possesst of, or God shall, in time to come, bless him with : And

where I pray, is the Sin or harm of this? But, says this Author; First, *Why is the Husband only* thus to Endow the Wife, and not the Wife also the Husband? I answer, that if this were a *defect* in our Form of Marriage; yet would it not follow from hence, that the Form were unlawful, or might not with a good Conscience be used; and the reason is, because such a defect as this is, might effectually be supplied by a private Covenant between the Parties themselves. But to let the Reader see that really there is here no such *defect* at all; and that this, which is the most plausible part of the Objection, is altogether Groundless, I must desire him to look back with me, while I briefly trace this Matter from the first Original.

Had the Institution of Marriage continued all along such as God at first appointed it, and without any Encroachment made upon it; *viz.* that one Man, and one Woman, and no more, should at once be Joined in Matrimony; and leaving all others, should so Cleave and continue together 'till Death should part them: Had, I say, the matter all along continued thus, without any Alteration, there would have been no need of any *express* Declaration to

be made, either by the Wife or Husband, of their *Endowing each other with their worldly Goods*; that being a thing sufficiently *Implied*, and intended by God in the very *nature* of the Marriage-Covenant it self. For if Man and Wife, by God's own Ordinance, were to be not only constant and inseperable Companions and helps each to the other, but also even as *one Flesh*, Gen. 2. 24. and to have a Right and Property in, and *Power over each others Body*, 1 Cor. 7. 4. who can doubt, but that God intended also herein, to imply that each should likewise have so far, at least, a Right and Property in the worldly Substance and Goods of the other; as that it should be unlawful for either of them to let the other want any Convenience or Comfort of Life, which he had it in his Power to procure for his Wife, or she for her Husband : And as well may a man's right Hand have a distinct Property from his left, as the Husband and Wife, according to God's appointment, have two several Interests, so distinct and separate each from the other, as that one of them shall not have a right to have his or her

Necessities supplied, or reasonable Conveniencies answered out of whatever belongs to the other, if there be occasion for it. But it appears from holy Writ, (not to mention any other Records) that in process of time, Men began to depart from the Simplicity and Purity of this Divine Institution; and, besides Divorces for insufficient Causes, which, *for the hardness of Mens Hearts, Moses suffered*, Mat. 19. 8. A liberty likewise was taken, not only by the *Gentiles*, but even by God's own People also, for Men to have more Wives than one; and particularly, a sort of inferior Wives were often taken, (known also by the Name of *Concubines*) who, altho' they were supposed to have a lawful right to their Husbands Bed, whereby they were distinguished from common Harlots, yet had no title to any part of his Goods or Estate, nor even to their Liberty, in case they were Slaves or Servants (as *Hagar*, altho' she was *Abraham's Wife*, Gen. 16. 3. yet still was *Sarai's Maid*; and not only, *de facto*, under her power, as before, v. 6. but also, *de jure*, bound to *submit her self under her Hands*, v. 9.) nor were they some-



sometimes reputed to have a right so much as to the Children which they themselves bore; (thus tho' *Bilha* bore Children to *Jacob*; yet, as to the *Legal Right* to them, they were not hers, but *Rachels* Children, *Gen.* 30. 3, 4, 5, 6.) and (which made their Condition yet worse) even before that general Permission of Divorces, which (as our Saviour tells us) was first Introduced by *Moses* : These poor inferior Wives, were Sub-

*Moses*--Suffered you to put away your Wives: But from the beginning it was not so, *Matt.* 19. 8.

ject to be Dismiss'd, and turned off upon any Disgust which their Husbands might take against them; as we read that *Hagar*, at the instance of *Sarah*, was sent away by *Abraham*, *Gen.* 21. 14. and never more, that we can find, returned to him. The Case then standing thus; it was very reasonable and Congruous, that whensoever a Man took a Woman for his Wife, Primarily and properly so called, he should, for her Security, some way or other sufficiently make known and signify, that he took her really for a *Wife*, and not a *Concubine*; which could not more properly be done, than by declaring that he

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took

took her (not only as a Partner of his Bed, which was the Case of a Concubine also; but likewise) into a Partnership with himself, of whatever Honour or Worship, or Estate he did or should Enjoy in the World, from which the Concubine was excluded: And that this accordingly has for a long time, and is, to this Day, practised among the *Jews*; Doct<sup>r</sup> Comber Informs us from the *Talmud of Babylon*; by which, the Man at his Marriage is required to say, *Be unto me a Wife, according to the Law of Moses and Israel; and I (according to the Law of God) will Worship, Honour, Maintain, and Govern thee.* And, altho' Christianity allows a Man to have but one Wife, and forbids all Concubinage; yet since Concubines are, to this very Day, allowed of in those Countries which are not under a Christian Government, it seem to me, to be very proper, that Christians every where should so fully Express, and firmly Ratify the Marriage Covenant, as may for ever Exclude the Allowance of, or Connivance at any such Corruption: And that every Man may be the more sensible, that his Wife is not his Servant (tho' bound

bound to be Obedient to him) but his Companion and Partner in all Conditions; it is fit that, *in exprefs Terms*, he should admit her to partake with him, both in his honour and Estate, whatever they are or shall be. But still it will be ask'd why should not the Wife, in return, do the same Thing to the Husband? I answer, she does it really and truly, tho' implicitly, by taking him for her Husband: Nor is there the same Reason or Necessity that she should do it as expressly as he; Because, tho' it has been Allowed (And is still among some People) for any Man to keep Concubines (if he were able to Maintain them) besides his Wife, yet the same Liberty never was, nor can be Allowed to Women. We Read indeed of a Promiscuous Community of Wives, by some Philosophers and Hereticks, held to be Lawful. But the only instance of Womens being Allowed more *Husbands* or *Concubines* than One, that ever I could meet with, was among the *Lithuanians*. But as they were a most Barbarous and Stupid People before they were Converted to Christianity: So is it most evident, that

that their Customs never had any Influence upon our Parts of the World. Altho' therefore, it is very proper for a Man thus to Distinguish, and that expressly, his Wife from a Concubine; yet there is no occasion that the VWoman should do the like: And since our Church at the time of the Reformation, found this Innocent and Reasonable Form of VWords in use amongst us; I cannot see, why the Retaining of them, should by any sober Man be Objected to her, as a Fault or Blemish.

But, says he, *It appears the Woman may make over all her Worldly Goods to Feoffees in trust, The Man only, and not the Woman being obliged to Endow.* I answer, that if Man and Wife, either before or after their Marriage, do fairly Agree, about the settling their Temporal Fortune to any certain uses: In this (being a thing done by Consent) there is no Wrong or Injustice; Provided that neither of the Parties do think themselves discharged from that Indispensable Obligation, which the very Nature of the Marriage Contract lays upon them, of Providing the best they can, each for the other, out of whatever  
Worldly

Worldly Substance God does or shall Bless them, or either of them with. But if either of the Parties, shall secretly and fraudulently make over, or Dispose of all, or any part of their Goods or Estate to the Damage of the other ; It is a Piece of Injustice ; and a Sin in the Woman, as much as it would be in the Man ; And that because it is contrary to one Part of the Intent and Design which God has implied in the Marriage Contract, As I have but just now said.

Se<sup>c</sup>t. 31. But Secondly, he tell us, pag. 38. That *neither Law nor Reason require, that a Man should Endow his Wife with all, but only a Part of his Worldly Goods.* I answer, that no Man of Candour and Ingenuity, would ever put such an interpretation upon these Words, as to suppose, that by them the Man *Devests* himself of *all* his Property, and Transfers it over to his Wife ; But only that he gives her a *Joint Property*, together with himself in every thing that he has, and a Right to share and partake with him in the Use, Benefit, and Comfort that arises from it, or any Part of it : And how it can be *unsafe* (as



(As he Suggests) or indeed any way improper for a Man to do thus, I am not able to discover.

But he adds, that *it is hard for a Man thus to Endow a Woman that may Play the Adultress.* I answer, that if she Proves an *Adultress*, the Endowment becomes void; not only by the Law of the Land, as he informs us, but also by that of God himself, The Honesty and Fidelity of the Parties being a tacit Condition in the whole, and every Part of the Matrimonial Covenant, As I have already said, *Sect.* 7. to which I refer the Reader: Nor does he who refuses to Maintain an *Adultress*, *Retract a Protestation made in the Name of the Father, Son, and Holy Ghost* (As he Pretends) because it is notoriously implied, in the very Nature of the *Protestation* it self, that it was made only upon the Condition of the Womans Faithfulness to her Husbands Bed; And therefore, the Condition being broken, the *Protestation* remains no longer in Force.

*Sect.* 32. His next Objection, *pag.* 38. Is against *laying the Money Due to the Priest and Clerk upon the Baok.* And here

he again Quarrels with Mr. *Hooker*, and  
 Mistakes his Meaning : But my business  
 (As I said before) is only to Defend our  
 Church and Liturgy. What then does  
 he Offer against this particular circum-  
 stance of the Office of Matrimony ? Is it  
 unlawful for a Minister to Receive a mo-  
 derate Fee (by Law appointed, as a part of  
 his Maintainance) upon the Performance  
 of such or such a Part of his Office : He  
 dares not say so, because that were to Con-  
 tradict our *Lord* himself ; who *hath Or-*  
*dained, that they who Preach the Gospel,*  
*should Live of the Gospel.* 1 Cor. 9. 14.  
 And why should it not be at least as Law-  
 ful, to *Live* upon what the *Law of the*  
*Land* has made our *Right*, as to receive  
 the voluntary Contributions of our Peo-  
 ple : And yet even for this, he seems to  
 Revile the Ministers of the Establishd  
 Church, by calling it a *Craving of Money*  
 and *Service of Mammon*. But if the Fault  
 lies not in this, where else is it. O ! It is  
 (According to him) not only *Unseasona-*  
*ble*, but *Undecent*, and even *Superstitious*.  
 Why so ? why, pag. 39. *We all know*  
*that Christ overthrew the Tables of the*  
*Money-*

*Money-Changers in the Temple, Matth. 21. 12.* But how does this touch our Case: *The accustomed Dues to the Priest and Clerk,* are to be *laid upon the Book*: But may not this be done without *Changing of Money*: Or if any Change be required from the Minister or his Clerk, may not that be deferred until the Service be at an End. *St. Paul* tells us, that *they which Minister about Holy Things, Live of the Things of the Temple: And they which wait at the Altar, are partakers with the Altar.* 1 Cor. 9. 13. And that which was given for the Maintainance of God's Priests, being for the support of Religion, was to be look'd upon as given to God himself; And therefore, the Substracting and Detaining of *Tythes and Offerings*, is expressly called a *Robbing*, not of the Priest, but of God, *Mal. 3. 8.* Now will any Man say, that it was either Sinful or Absurd under the Old Law, to bring that to God's Temple, which was to be given to himself: And if not, where is the harm of Paying a Minister of the Gospel his Due; or giving him a voluntary Gratuity in that place which is Consecrated or set apart to the

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Service of God : Indeed, if under such a Pretence as this, a Fair, Exchange, or Market were kept in the Church, (As was in our Saviour's time in the Temple, under the colour of furnishing the Altar with Sacrifices) there might be some reason for this part of his Objection : But as well may he find fault with the Peoples giving, or the Church-VVardens Collecting the Alms of the Congregation for the Poor ; as with the Liturgy for appointing the Minister's and Clerk's Dues to be laid upon the Book ; if to give or receive Money in a Place appointed for the Service of God, be absolutely and altogether unlawful. But, *How indecent is it, says he, For a Minister of the Gospel, in the Church of God, in the time of Divine Service, when he Professes to be lifting up his Heart with his Hands to God in the Highest ; at the same time to be CRAVING and Receiving Money, which is a mixture of the Service of God with MAMMON.* And how unjust and uncharitable is it, say I. for (One who calls himself) *a Minister of the Gospel* to pass such a false and bitter Censure upon such a harmless Practice : As  
for

*Money-Changers in the Temple, Matth. 21. 12. But how does this touch our Case: The accustomed Dues to the Priest and Clerk, are to be laid upon the Book: But may not this be done without Changing of Money: Or if any Change be required from the Minister or his Clerk, may not that be deferred until the Service be at an End. St. Paul tells us, that they which Minister about Holy Things, Live of the Things of the Temple: And they which wait at the Altar, are partakers with the Altar. 1 Cor. 9. 13. And that which was given for the Maintainance of God's Priests, being for the support of Religion, was to be look'd upon as given to God himself; And therefore, the Subtracting and Detaining of Tythes and Offerings, is expressly called a Robbing, not of the Priest, but of God, Mal. 3. 8. Now will any Man say, that it was either Sinful or Absurd under the Old Law, to bring that to God's Temple, which was to be given to himself: And if not, where is the harm of Paying a Minister of the Gospel his Due; or giving him a voluntary Gratuity in that place which is Consecrated or set apart to the*

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for

for the Money's being paid in the Church, I have Accounted for that already : And for the rest of this Period, It is so strangely Disingenuous and Groundless, that an honest Heathen would be ashamed of it : For neither is a Minister's requiring his Lawful Due to be called a *Craving of Money*, or *Service of Mammon* , And if this Money be not laid down *upon the Book* (As I have but seldome seen it done) I believe it is not often *Craved* or *Demanded* until the Service is over ; Nor does the *Rubrick* order it to be Paid at such a time as the Minister should, or *Professes to be lifting up his Heart or Hands to God* ; But altogether before the very First Prayer in the Office of Matrimony begins : And therefore, to call this a *Mixture of the Service of God and Mammon*, is more agreeable to the Character of the *Accuser of the Brethren*; than to that of a *Minister of the Gospel*. But the *Superstitious manner of the Payment*, by laying the Money *upon the Book*, is very *Dissatisfying*. But where is the *Superstition* of laying the Money upon the Book? VVhy, says he, It is *Derived from, and Savours of the Popish Superstitious*

our Consecration of their Arrhas and Ring by  
 this Rite. . But this is a very great Mistake:  
 For neither is there any Consecration at  
 all of the Arrhas (but only of the Ring)  
 required by the Office of Matrimony, as  
 it is Established in the Church of Rome;  
 nor is the Ring, in that Church, Conse-  
 crated by this Rite, that is to say, by laying  
 it upon the Book : For the very title of  
*Benedictio annuli*, or blessing  
 of the Ring in their Rubrick,  
 comes after the direction  
 for placing the Ring upon  
 the Book ; which shows that the Cere-  
 mony of placing the Ring upon the Book ;  
 being not comprehended under that  
 title ) is even by them not look'd  
 upon as any part of the Consecrati-  
 on of it. Well ! But if none of these  
 will do, he has another thing to offer,  
 that is, that the Service-Book is here-  
 made a Table of Money Changers : But  
 this is a great Mistake also; for (as I have  
 just now said) there is no need of  
 hanging any Money in the Church up-  
 on this Occasion; and much less of doing  
 upon the Book of Common Prayer :

Vid. Ord. Bap-  
 tizandi, &c. pro  
 Anglia, Hibernia,  
 & Scotia.

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And if he would have us believe, that the bare laying down the Minister and Clerk's Due upon the Book is a Sin, he must produce some Law of God to prove it so to be.

Sect. 33. In the next Place, he *insinuates* an Objection, which is so weak and Groundless, that he had not the Assurance formally to *Propose it*. And yet he cannot sure be ignorant, that such Sly and Oblique Suggestions as these, are apt to make a false as well as strong Impression upon those, who before hand are Prejudiced against the Established Church. The Case is thus. By our Liturgy (And so likewise by the *Directory*) The Man takes the Woman by the Right Hand, at the time when he takes her for his Wife; And the Woman does the like to him, when she takes him for her Husband. But besides this, our Liturgy directs, that *the Priests shall join their Right Hands together*, and then *Pronounce them to be Man and Wife*. Now if he should have altogether Condemned the Ceremony of *Joining Hands* (which I have shewn, Sect. 10. Upon his Principles, he ought to have done as we do as the *Ring*) This would have Born

hard upon his own party, as upon our  
 Church: Wherefore that so fair a Ground  
 for another Objection might not be whol-  
 ly lost, He suggests it, as a thing Probable,  
 that the Reason why *Joining and Loosing*  
*of Hands three times* is Prescribed and  
 Practised by us, is no less than a *Myste-*  
*ry*; Namely, to Signifie our Belief of the  
*Trinity*; Or else, that it is in Imitation of  
*Heathenish Love-Charms*, According to that  
 Verse in the Eighth Eclogue of *Virgil*,  
 where *Ananyllis* is directed to Tye Three  
 Threads of several Colours in Three Knots  
 together. And that the Reader may see  
 that I do him no wrong, in laying this  
 Foul Dealing to his charge, I shall set  
 down his own Words. *Nor shall we* says  
 he, *Object any thing against it* (*Viz. Join-*  
*ing of Hands*) *save, being obliged to Loose*  
*and Joine Hands three severall times, which is*  
*a Mystery be Placed in it, as in thrice Dip-*  
*ping in Baptism, to Signifie our Belief of the*  
*Trinity, or in Imitation of Heathenish Love-*  
*Charms, according to that* *Necte tribus nodis,*  
*&c. We shall not Quarrel it.* If there be no  
 Mystery or Charm intended in this Practice,  
 we shall not Quarrel it. To what end or pur-  
 pose should any Man talk after this man-



ner, if it were not his Design to raise a Suspicion, that we have some hidden *Charms* or *Mystery* in it ? The *thrice Dipping* in *Baptism*, Tho' of early Practice in the Christian Church, yet is not Prescribed by our Liturgy ; And therefore is here impertinently mentioned. But because, after the Man and Woman have taken each other by the Hand, and Mutually given their Troth, the Church directs, that the Priest shall again Join their Hands, and Pronounce them Man and Wife ; Therefore, to imagine that we hereby intend Mysteriously to represent our Faith in the Holy Trinity, is so Wild a Conceit, as no Man, I believe, before this Author, was ever Capable of. But who could put it into his Heart, to suggest, that herein we *Imitate the Heathenish Love-Charms* ? On what Ground did our Church, or any One that belongs to it, ever give for such a black Insinuation ? And to intimate, even the least suspicion of an ill Thing, where there is no manner of Reason for it, is not only contrary to Charity, but to Justice also : With which (I think, very Just) Reflection I dismiss this Point, And Proceed to his,

Sect. 34. Next Objection, pag. 39. which is *the Prohibiting Marriage at certain times of the Year, without Licence to be Purchased by Money.* But this Objection, (tho' Aggravated, like all the rest, beyond the bounds of Truth and Charity) is altogether wide from the present purpose. For the Question here is not; First, Whether or no the Church has Power to forbid the Solemnizing of Matrimony at some certain times or Seasons; which is far from absolutely *forbidding to Marry*, 1 Tim. 4. 3. Tho' this Author would unjustly suggest that they are very near of Kin; and even the Directory it self implicitly forbids all Men to Marry for near three Weeks after the Match is Concluded and agreed upon; and that (to use his own Words) *whatever their necessity be to Marry*; in that it prescribes, that *before the Solemnizing of Marriage between any Persons, their PURPOSE of Marriage shall be Published by the Minister Three several Sabbath Days, &c.* Neither does it allow of Licences, or any other way to shorten this time, let Mens *Necessity to Marry* be what it will. Neither is the Question, Secondly, Whether the several Prohibitions in this Case, appointed

ed by the Ecclesiastical Canons, be of too long a Continuance : And yet, since all Men know them before hand, it seems to be no very difficult matter for them, generally so to order Matters, as to prevent all Inconveniencies that may seem to arise from such Prohibitions. Nor, Thirdly, is it whether or no the Observation of these Canons is too strictly exacted ; or whether it is proper that the Church should Lodge in her Governors a Power of dispensing, in some Cases, with such Canons ; or whether it be reasonable that the Registers, or other Officers (without which no Jurisdiction can regularly be kept up), should have some moderate Fees allowed them upon such occasions : In all which (as far as I can find by the practice of our Church) there seems to be very little ground of Complaint : And if any such Ground there be, upon a sober and modest Representation of the matter, to those who are in Authority, it may and ought to be Redressed. But the only thing in Dispute here (according both to his method laid down, *pag.* 8. and to what he proposes as the subject of this his third Chapter) is, in his own words, whether

ther or no Men may *with Good Consciences* Conform to the Form of Solemnizing Marriage Prescribed in the Book of Common-Prayer, pag. 8. or in their Consciences comply with what is Prescribed in that Book, pag. 28. Now, Suppose our Church were faulty in the matter of Prohibiting the Solemnization of Marriage at certain Seasons; yet, from hence can it no way be inferred, that therefore it is unlawful to comply with the Form of Matrimony, Prescribed in the Book of Common-Prayer: Altho' every thing therfore, which he offers upon this Point, is easily Answered; yet since the whole is altogether Impertinent to the Cause in debate, I will not tire either my self or the Reader in following him, when he goes so clearly out of the way. I go on therefore to his,

SECT. 35. Last Objection, pag. 40. which is, that *there are divers Grounds of SUSPECTING the Establish'd Church of making Marriage a Sacrament. Of Suspecting!* Is this the Language or Practice of Charity (which *believeth all things, and hopeth all things, 1 Cor. 13. 7.*) to make such a bare *Suspition* (and that so weakly Grounded) an Argument of Separation from a Church

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that has made as plain and Authentick a Declaration as She possibly can in Her 25th Article, that she owns but *two Sacraments*; and that *Matrimony* is not to be counted for a *Sacrament of the Gospel*? But, he tells us, that in the *Book of Homilies*, [*Hom. of Swearing*] mention is made of the *Sacrament of Baptism*; and immediately after, of the *Sacrament of Matrimony*; From whence he infers, that *Marriage* is there called a *Sacrament in the same Sense that Baptism is*. But this Consequence is as weak as it is Uncharitable. For, since *Sacrament* is a word of various signification, and it is well known, that antient Ecclesiastical Writers have some times used it in a larger sense than what is now commonly done. And since, even the Articles that were published in *King Edward* the

Art. 34.

Art. 26.

Sixth's Time (in which this first Book of Homilies was Approved) do expressly limit the number of *Sacraments* to *Baptism and the Supper of the Lord*; and the same is more at large done by our 25th Article (to which this Author refers) as it now stands: It must needs, I think, from hence be Concluded, that if the name of

*Sacra*



Sacrament was, in any of these Homilies,  
 given to any thing else, besides Baptism,  
 and the Lord's Supper; it was never there-  
 by intended, that any other thing should  
 be owned as a Sacrament in the same sense  
 of the Word, as we apply it to those two  
 holy Ordinances; altho' in a larger sense  
 we find many other things  
 to have been called Sacra-  
 ments by the antient Fa-  
 thers of the Church; of  
 which the Learned *Forbesius* (to omit o-  
 thers) gives us several Instances. But says  
 this Author, *Tho' the Article says there are*  
*but two---yet the Church Catechism gives a Di-*  
*stinction, viz. There be Two only Generally,*  
*necessary to Salvation; so that Matrimony is*  
*a Sacrament, only, not necessary to Salvation.*  
 I answer, First, That it is not fair deal-  
 ing, to say, that the Church Catechism  
 gives such a *Distinction*, as he says it does:  
 For it makes no mention of any *Sacra-*  
*ment that is not Necessary to Salvation*; and  
 to say a *Distinction* is given, and no no-  
 tice taken of one of the Members of it,  
 is plainly Absurd. Secondly, Since the  
 words of our 25th Article are as express  
 as words can be, for two Sacraments and  
 no

Instruct. Hist.  
 Theol. Lib. 9. C.  
 1. Sect. 13.

no more ; a fair Adversary would rather Interpret the words of our Catechism (which are not so express) by those of the Article, than object a Contradiction to us, where there is none, only because a thing is affirmed more plainly and fully in one place than another. But, Thirdly, Suppose our Catechism had made or given such a *Distinction* as he pretends, and had express'd her self after this manner ; viz. *the word Sacrament has been variously used ; and this Name given to diverse things by the antient Fathers of the Church ;*

Vid. Forb. in  
Jac. Supra cita.

*Thus the name of Sacrament is given by Tertullian to the Stick that was cast into the Water by the Prophet, Elisha, 2 Kin. 6. 6. and to the name JESUS or Joshua, which was given to him that succeeded Moses : By Origen to the Vineyards of Engedi, Cant. 1. 14. By St. Augustine to the Apostle Peter ; and to Bread that was blessed, and given to the Catechumens in the Primitive Church ; and (to name no more) by St. Ambrose, St. Cyprian, and St. Bernard, to Christ's washing his Disciples Feet : Thus the word Sacrament has been used to signifie almost any thing that was put to denote or represent whatsoever was Holy. And*  
*where*

where Men will put such a signification as this upon the word *Sacrament*, They may call many things *Sacraments*; and we need not contend with them about the signification of a Word; as long as we know what they mean by it. But by *Sacraments* we mean only those holy Ordinances which God has made, tho' not absolutely, (to obviate this Author's Cavil, pag. 41. for God is not confined to outward Means) yet generally Necessary to Salvation: And, therefore we say there are but Two *Sacraments*. Suppose, I say, our Church had thus exprest her Self in her *Catechism* (and this is the very utmost that can be pretended) I desire to know what sober *Protestant* is there that would be offended with her for it?

Sect. 36. But, says he, *The Arguments used by Papists, to Prove Matrimony a Sacrament are Approven*. I answer, that this is far from being true: For to *Approve an Argument*, signifies to allow both the truth of the Premisses, and force of the Consequence; and if either of these be Denied, the *Argument* is not *Approved*, but *Rejected*. Now when the Papists pretend to Prove *Matrimony* to be a *Sacrament*, we constantly reply to every *Argument*, either that its  
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Premises are false, or else that it does not conclude, and that the Consequence will not hold. But let us hear these *Arguments* of the *Papists*, as he sets them down as *Approved* by us. They are these, First, That Marriage was Consecrated by God, to Signifie the Mystical Union, betwixt Christ and his Church. I answer, that we say, and I have shewn (*Seet. 5.*) that God has Consecrated Matrimony in such a Manner, that it is become an apt Representation of the Mystical Union betwixt Christ and his Church : But that this was the END, or moving Cause, why Matrimony was thus Consecrated (which he endeavours to put upon us) is what we never Taught or Main-tained. Secondly, *That the Bond is absolutely Indissoluble, but by Death.* But neither was this Doctrine ever Taught by our Church. On the contrary, our greatest Divines allow, that the Bond of Marriage is Dissolved by Adultery (That is to say, if the injured Party refuses to be Reconciled) Altho' we think it of Dangerous Consequence, even in that Case; to Allow a second Marriage before the Death of the Party offending. Thirdly, *That all Matrimonial Causes are Subject to Ecclesia-*

*Ecclesiastick Jurisdiction, ON THAT ACCOUNT.* But this, if true, would only be a *Consequence* from, and not an *Argument to Prove* the Doctrine of *Matrimony's being a Sacrament* : But it cannot be *ON THAT ACCOUNT*, that such Causes amongst us, are *Subject to Ecclesiastical Jurisdiction*. Because we expressly Teach, Artic. 25. That *Matrimony is no Sacrament of the Gospel*. And not only is the Church, by Divine Right, endowed with Power in some other Things besides the Sacraments : But the Laws of the Land also have thought fit to Entrust some Ecclesiastical Persons with a farther Jurisdiction, than that which God has immediately given them. Fourthly, *The same Phrase, proper to the Administration of the Sacrament of Baptism, is used in Marriage, viz. In the Name of the Father, &c.* In answer to which (Besides what I have said, *Sect. 20.* and *27.*) I shall only add, that whatever is done Pursuant to, and Agreeable with God's Law, may be done in his Name : And therefore, this or the like Phrase may very Innocently and Properly be made use of in other Cases, than the

See Matt. 18

17.



the Administration of Baptism. Let any impartial Man then Judge, how far we Approve the *Papists Arguments to Prove Matrimony a Sacrament*. And altho' there is in this (As in other things) some Agreement between us and the Church of Rome, in outward *Expression and Practice*, (Nor were we obliged to depart from that Church in such things as were Decent or Innocent) yet it is not *hard* (as this Author pretends) but very easie for any Man of Common Sense and Candour, to *Distinguish and Discern* a great deal of *Difference* in our *Judgments*.

Sect. 37. But he makes two Remarks, one upon the *Homily*, and the other on one of our *Articles*, which he has Quoted, to which I must return an Answer; Not that the Present Controversy requires it; but that I may Vindicate these Publick Records of our Church from the Contempt he would cast upon them. The *Homily* says, *Matrimony knitteth Man and Wife in perpetual Love, that they desire not to be Separated for any Displeasure or Adversity, that shall hereafter happen*. Now this passage is by him Taxed as Untrue, pag. 41. How true this Doctrine is, says he, Let Experience Judge.

*Judge.* But if he had but a little considered the Contexture of that part of the *Homily*, he would have found reason enough to have been ashamed of such a Reflection. The Design of the *Homily* in that Place, is by several instances to set forth the Benefits and Advantages of an *Oath*, (under which name it Comprehends every *Holy Promise, with calling the Name of God to Witness*) Not as if these Benefits and Advantages did never fail to follow from an *Oath*; But only, that when they did really follow, they were, in a great measure, to be looked on, as owing to the *Oath* which had been duly taken. Thus, for Example, we are there told, that by *Lawful Promise and Covenants, Confirmed by Oaths; Princes, and their Countries are Confirmed in Common Tranquility and Peace.* The Design of which, is not to make us believe, that Rebellions and Comotions do never happen where an *Oath* has past between the Prince and his People; But only to put us in mind, that such an *Oath* is an excellent instrument of Peace and Tranquility; and often has, as always it ought to have, a Due effect upon the minds of those who take it. Thus in like manner

manner, when the *Homily* says, *By like Holy Promise, Matrimony knitteth Man and Wife, &c.* The meaning is not that Man and Wife do never Quarrel or Desire to part ; But only that the *perpetual Love*, which often is, and always ought to be, between them; and which makes them *desire not to be Separated*, notwithstanding that some *Displeasure* may arise between, or *Adversity* happen to them ; is in a great measure owing to that Oath, or *Holy Promise*, that has pals'd between them. Let the Reader but consult the *Homily* it self, and he shall find

Hom. of Swearing  
towards the  
end of pt. 1.

that the only and Natural Sense of the Words, is as I have Represented it.

The other Stroke which here he gives by the by, is Levelled against a Passage in the 25<sup>th</sup> of our Church's *Articles* ; wherein, after Determining the number of the Sacraments to Two, it is said, that *those Five, Commonly called Sacraments, have grown, partly of the Corrupt following of the Apostles, &c.* Now, *what this corrupt following of the Apostles is, we cannot Comprehend*, says this Author : Cannot you really? Why then, give me leave thus to

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explain this Phrase to you. To imitate the Apostles, Purely and Sincerely, I think may well be called, an *Uncorrupt following* them: And, on the other side, To imitate them in Outward Appearance only; Either with a different Design from what the Apostles had, or else, with the Addition of other Inventions, under the false pretence of Apostolick Authority, may justly be called a *Corrupt following of the Apostles*: And from such an imitation as this, we say, the Additional Sacraments of the Church of Rome have partly grown. And thus the Reader may see, how easily some things might be better understood than they are, if Men would but honestly give their Minds to it.

Sect. 38. After this Authour has thus Laboured to Prove our Form of Matrimony unlawful; At the Close of this Chapter, he endeavours to Vindicate himself and his Party, from the charge of Singularity in these his Notions, by letting us know, that the *Learnedest Dissenters in England*, are of the same Judgment in this Case, pag. 41. Now that the Presbyterians of England, Scotland and Ireland,  
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have all along been of a *Party*, and Acted by the same Counsels and Principles in Opposition to our Church and Liturgy, is a thing too well known, to need any Proof: And if so, How, I Pray, will this Vindicate the *Presbyterians* of the *North of Ireland* from Singularity; That others of their own Party and Principles are of the same Opinion with them: Indeed, if he could have shewn, that other Reformed Churches were of the same Judgment with him (As he pretends, but does no way Prove, pag. 31.) it would have been very much to the purpose. But to Produce the Authority of none, but the Dissenters of *England*, is, (As the Proverb speaks) as if a Man should Appeal to his *Partner*, whether or no he were a *Thief*. But, however, let us hear what our *English Dissenters* say upon this point.

And, First, says he, our *Directory* for publick Worship, declares the Judgment of that Learned and Venerable Assembly at *Westminster*. And what wonder is it, if that Assembly, which was Called, and Acted in publick Opposition to the Law



of the Land, and was pack'd together out of profess'd Enemies, or Persons disaffected to our Establish'd Church, should Condemn our Liturgy? But yet even these Men themselves would not venture to say, that there was any thing sinful or contrary to God's Law in it; only they say (but give no reason for it) that it *hath proved an Offence to many of the Godly* (who they were we know) *at home; and* (which is false) *to the Reformed Churches abroad.* They find fault with *Reading all the Prayers; and complain of its many unprofitable and burdensom Ceremonies;* and that some People over-valued it, and *made it no better than an Idol* : (What ! Was it ever set up as an Image to be Worship'd? Or was it valued by us more than the Covenant then, or *Directory* after was by their own People? ) Such sort of collateral Considerations as these, I say, that *meeting* offered for the Abolishing of the Liturgy; but that it, or any part of it, was absolutely Unlawful; and *could not with a good Conscience be Conformed to, or complied with,* does not by any thing in the *Directory*, appear to be their Opinion. O 2 Se-

See the Preface to the Directory.

have all along been of a *Party*, and Acted by the same Counsels and Principles in Opposition to our Church and Liturgy, is a thing too well known, to need any Proof: And if so, How, I Pray, will this Vindicate the *Presbyterians* of the *North of Ireland* from Singularity; That others of their own Party and Principles are of the same Opinion with them: Indeed, if he could have shewn, that other Reformed Churches were of the same Judgment with him (As he pretends, but does no way Prove, pag. 31.) it would have been very much to the purpose. But to Produce the Authority of none, but the Dissenters of *England*, is, (As the Proverb speaks) as if a Man should Appeal to his *Partner*, whether or no he were a *Thief*. But, however, let us hear what our *English Dissenters* say upon this point.

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See the Preface to the Directory.

Secondly, He produces the Dissenting Divines, *Authorized by K. Ch. 2. to meet at the Savoy, to Review the Service-Book*: But as these are only the same Witnesses again in another Dress (all of them having either been Members of the *Westminster Assembly*, or else Imbided their Sentiments and Prejudices) so, in this matter concerning our Form of Matrimony (for which alone they are here Quoted) do they by no means come up to this Author's Opinion. Mr. Baxter (as he Quotes him, pag. 41.) was of Opinion. 1. That the Charge to be given to the Man and Woman, by the Minister, concerning Impediments of Marriage, is *dangerously Worded*. 2. That *the Ring should not be forced on those that scruple it*. 3. That the word *Worship* being *obsolete*, should be *changed*. 4. That some of the Prayers had too *many Words* in Them. 5. That Persons not fit for the Communion, ought not to be kept from Marriage (nor were they ever so by our Constitution; only it was supposed, that all Christians at the Age of Marriage, ought to be Fit and Prepared for that Holy Ordinance.) Then, as for the other Divines



Divines (as he sets down their Words, pag. 42.) they desire that *the Ring might be left indifferent* (which shews they did not think it unlawful.) That the word *Worship* should be changed for *some other Word*, (and that for no other reason, but what Mr. *Baxter* gave) they offer it to be *Considered, whether these words* [In the Name of the Father, &c.] *should not be omitted, lest they give some favour to those who count Matrimony a Sacrament.* They Object against the word *depart*, (which I believe was only an Error of the Press for, *do part*) as *improper*; against the *change of Place and Posture*, as *needless*; against these Words [Consecrate the State of Matrimony to such an Excellent Mystery] that this *Passage SEEMS to countenance the Opinion of making Matrimony a Sacrament* (which Opinion they were satisfied that our Church Condemn'd; or else they would not have offered this as an Argument for the laying aside of those Words;) and, lastly, against that Rubrick which supposes that the Married Couple will immediately Receive the Communion. But, neither Mr. *Baxter*, nor any of these Di-



vines do charge our Form of Matrimony with Introducing of *Mysteries*, making of *Sacraments*, using of *Charms*, or any other of the things wherewith this Author, so Industriouslly, and beyond all probability, endeavours to load it. And therefore, as I have shewn, that all he has Objected against it, is either false, or nothing to the purpose, so does it plainly appear, that notwithstanding any thing he has here offered, he is also altogether *singular* in most of these his Notions.

Sect. 39. But he could not but foresee, that it would be Objected, that the English *Dissenters*, (I mean *Presbyterians* and *Independents*) and those of the South of *Ireland*, however they differ from us in other things, yet, make no scruple of being Married according to our Form, and that without any reproof from their Ministers or Teachers upon this account, which shews, that they do not think anything therein contained to be unlawful : And therefore to obviate this Difficulty, he tells us, that the practice of many of the Dissenting Profession, contrary to these [his] Principles will not refuse them. To which I answer, that

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altho' no Man's *Practice* can make Truth become Falshood, or Sin Lawful; yet, as I think, I have sufficiently refuted all those *Principles*, upon which he has built his Objections against our Form of Matrimony, so is it a very strong Presumption against his Cause, that so many of his own *Perswasions* in other things (and these too, Men of as much Sense and Conscience, as he or his Party can pretend to) do as much dissent from him in *these his Principles*, as he calls them, (which appears by their practice to the contrary) as they do from the Established Church in other Matters.

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## C H A P. IV.

**S**ECT. 1. The Fourth thing, and the next in Order, which this Author ought to have Handled, according to his Method laid down at the beginning of his Book; was, that the Presbyterian manner of Marrying, is agreeable to the Word of God, &c. And not inconsistent with the Civil Laws of the Land. But instead of keeping close to the Order which he had Prescribed to himself. He chuses rather to offer what he had to say, both upon this and the next Head (which is his fifth and last) under the Name of an *Answer to the Libels, exhibited against the Presbyterian, both Minister and People in the Official Courts*, on account of these their *Marriages*; And First, he endeavours to Vindicate their *Ministers* in this Matter, which he proposes as the Design of his Fourth Chapter, pag. 43.

SECT. 2. But before I reply particularly to what he offers, either in this Chapter, or the next, which is in Vindication of the

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the Presbyterian People. I must desire the Reader, not only to recollect what I have said in my *Introduction*, concerning Laws about Marriage, and the penalty of breaking them, as all Churches and Civil States are therein equally Concerned; But also to consider, what Inferences may fairly be drawn from that general Doctrine, or what other things, may upon this occasion be farther offered with respect to the *Presbyterians of this Kingdom* in particular.

Sect. 3. First, then, Altho' a Modest and Peaceable Man, who has no Design to raise or keep up a Party in Opposition to the Legal Establishment, But, out of pure Conscience only refuses to give obedience to some Humane Laws; Altho' such a Person as this, I say, when he appears to be *sincere* in what he does, is justly to be pitied, and ought to be as favourably dealt with, as may be consistent with the safety of the Church and State: Yet where it is very evident, that any Persons proceed farther in Opposition to the Established Laws, than what their Conscience obliges them to; such Persons as these have no Title either to Pardon or Pity; I mean  
always

always, if they persist in their Disobedience. The Plea of *Obeying God rather than Man*, ought always to be weighed with great Calmness, and never [*wholly*] rejected, when it is made with Sincerity, even by an Erroneous Conscience : But when Men Disobey lawful Authority out of humour, or stubbornness, or any other Principle but pure Conscience, they are not only to be Check'd but also Punished, and that with severity, or else the evil Example which they give, and are allowed in, will soon prove an encouragement both to themselves and others, to make bolder and farther Encroachments upon the Government, and, in time, to Dissolve and overturn it.

Sect. 4. Secondly, altho' some People may be so far misled, as to think it unlawful to be Married, according to the Form Prescribed by the Establish'd *Liturgy*, and so refuse it *out of* [an Erroneous] *Conscience*. Yet (according to this Author's Doctrine) No Man is *in Conscience* obliged to be Married, either by a Presbyterian Minister, or indeed by any Minister at all. For it is not only the utmost of his Pretence, *pag. 8.* That it is **HIGHLY EXPEDIENT**, a Minister should



present, to Perform Holy Offices at the  
 time of Contracting Marriage; But he  
 plainly insinuates his Opinion of the  
 Validity of *Quakers* Marriages, pag. 54.  
 which consist only and barely in a Covenant  
 made and entred into between the Parties.  
 Those Presbyterians, therefore, whose  
 Conscience will not allow them to be  
 Married according to the Book of Com-  
 mon Prayer, did no more in their Marri-  
 ges, than what they thought the Law of  
 God obliged them to; That is to say, if  
 they only entred into a Marriage Cove-  
 nant in the Presence of Witnesses; there  
 would be some Reason to think, that here-  
 in they were Acted *only by Conscience*. But  
 when a number of Men shall join together;  
 Not only to do what they think God him-  
 self Commands; But also shall take upon  
 them, to set up a *Humane Polity* of their  
 own, in Opposition to that, which is by  
 Law Established: When, instead of ha-  
 ving their Banns Published at the Parish  
 Church (which the Law requires) they  
 Cause their *purpose of Marriage* to be  
*Publicly Proclaimed* at the Place of their  
 own Meeting for Worship, pag. 47.  
 Instead of the Book of Common-Prayer,  
 they

they have a *settled Form* and Directory of their own; And Lastly, instead of a Licensed Minister, are joined together, or *Pronounced to be Husband and Wife* by a Minister thereunto Authorized, only by themselves; In short, when in direct Contradiction to Laws made, by Lawful Authority, Men shall presume to do not only what they think God requires, but also what they themselves shall Judge to be (Not absolutely necessary, but only) *expedient*; It is plain, that such Men go farther than what *Conscience requires*; And if they shall be allowed to break Establish'd Laws, because they think it barely *expedient* (*i. e.* convenient for the carrying on of their own Designs) so to do, I desire it may be seriously considered what this (If given way to) at last may end in.

Sect. 5. Thirdly, Altho' a Presbyterian Minister (According to his own Principles) must think himself in Conscience obliged to Pray for those of his Congregation that are Married, and to Instruct and Exhort them in, and to the Performance of their Duty: Yet can he not pretend that any Law of God, requires him

eye

even *to be present* at the time when such a  
 Marriage is Contracted or Solemnized ;  
 and much less, to Exercise any Act of *Authori-*  
*ty* upon that occasion. If then, be-  
 fore or after, or at the time of such a Mar-  
 riage, the Presbyterian Minister did no  
 more, but only Pray with and for the  
 Married, or to be Married Couple, and  
 clearly and fully lay their Duty before  
 them ; and then appeared only, as other  
 Witnesses do, that he might upon occasi-  
 on be able, to give his Testimony con-  
 cerning the Validity of their Contract.  
 In all this, indeed he well might be  
 thought to do no more than what his  
*Conscience* (According to his Apprehen-  
 sion of things) had obliged him to.  
 But when, beyond this, he takes upon  
 him, not only to Pray and Preach, but al-  
 so to Govern and Direct upon these Occa-  
 sions ; and, in the publick Assembly, to  
*Pronounce* the Persons *to be Husband and*  
*Wife*, which the Directory Prescribes ; and  
 is plainly an Act of *Authority*, (as the  
*pronouncing* of every *Judicial Sentence* must  
 be) and the *Authority* not derived from  
 God (as he Judges the other parts of his  
 Ministerial

Ministerial Power to be) but only from the People who have set him up over themselves. I think such a Minister, as this may also well be judged to act herein by some other Principle beside and beyond that of *Conscience*, whose only and adequate Rule is the Law of God; no other Law having any Power to oblige the *Conscience* any farther than as God's Law requires that Obedience should be given to it.

Sect. 6. Fourthly, *When Men not only Disobey that lawful Authority which is set over them; but also, at the same time, give Obedience to an Authority that is altogether Usurped and Illegal; they are justly to be punished, not only for their Disobedience, (where sometimes the Plea of Conscience may reasonably demand some favour or mitigation) but also; and much more, for the Contempt which they cast upon the Legal Constitution and Power. And that the Directory, by which the Presbyterians in the North of Ireland do Solemnize Marriage was set Up, and Established by an Usurped and Illegal Power, (viz. a pretended Ordinance of the Lords and Commons of England,*

England, not only without the Royal Assent, but also in direct Opposition to the King's Pleasure, and that also at a time, when a very great number of both Houses had withdrawn themselves) is a thing too notorious to need any proof.

Sect. 7. Fifthly, Altho' I allow that a Marriage Contracted according to the *Directory* is binding before God, (and if Consummated) valid also so far, by the Laws of the Land, as not to be rescinded by any subsequent Marriage; yet when Persons, pretending to have been so Married, shall refuse, when lawfully required, to make Proof of their Marriage before such Persons, as by Law is appointed to take Cognizance of such Matters; *such Persons, as so refused to make such proof are, in Law, to be look'd upon as no other than Fornicators; and to be proceeded against, and Punished accordingly* : For if a bare pretence of having been Married according to the *Directory*, is without any Legal Proof of it, to be admitted; let those who live in Fornication, but make this Pretence for themselves, and then it will not be possible for any humane Judicature to censure or punish them.

Sect.



Sect. 8. Having premised these few things, which I desire the Reader to carry along with him in his Mind; I now Address my self to consider the Objections which this Author makes against the Proceedings of our Ecclesiastical Courts, with reference to the *Presbyterian Ministers*, for taking upon them to Join Persons together in Marriage, in a different form from what the Law of the Land Prescribes or Allows.

Sect. 9. And here to omit his weak Insinuation against the *Latin* of the *Libel*, for being not Classical, but *Ecclesiastick*; as he calls it; at which every one; but a little Versed in Courts of Judicature, cannot but smile. His first Objection is, that the Presbyterian Ministers are required to *answer to such Questions, or Articles as are made against them, by a Corporal Oath, ex Officio, pag. 44. which they judge contrary to the Laws of God, Light of Nature, and Laws of England.* As for the last branch of this Charge, it signifies nothing to Purpose; because, a Law may be Annul'd and Repeal'd in *England*, and yet stand in full Force in *Ireland*: But if he can make the two former good, it will be enough

enough in this particular; Let us therefore try the weight and strength of his Arguments.

Sect. 10. And, First, He tells us, that *a Thousand Ministers Petitioned King James Anno, 1603. for the removal of the Oath, ex Officio.* That a Petition for a farther Reformation in the Church, was in that Year Presented to *King James the First*, by those who were not well affected to our Ecclesiastical Establishment, is well known; and that such Persons, as denied to give Obedience to some of the Laws of the Church, might make it one branch of their Petition, that they should not be compelled by an *Oath* to acknowledge their Transgression, is very probable: But as the number of Petitioners in this case, is not material, (Tumultuary Petitions having seldom been well weighed by all those who put their Names, or perhaps have them put by others to them) but the Ground and Reason of the Petition, ought only to be Considered; so does it not appear, that this, or indeed any other part of that Petition, was of any weight with the King; who yet, was not only a Wise, Religious, and considering

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Man;

Man, but also, at that time, being newly come to the Crown of *England*, would probably have been glad to have gratified his Subjects in any thing that had been just and reasonable; for after *the Conference at Hampton Court*, which he presently Appointed, upon occasion of this Petition, it was by no means thought necessary to make any Alteration in our Ecclesiastical Constitution; nor particularly was any Law made against the Oath *ex Officio*, in all that King's Reign of Twenty two Years; nor afterwards, until it was extorted from King *Charles* the First, in the Seventeenth Year of his Reign; and

See the late Lord *Clarendon's* Account of this Law, Hist. of Reb. Vol. 1. B. 3. Pag. 222.

that at a time when things were run into great Confusion; and a secret Design laid by persons dissatisfied to our Church, for the utter ruin and overthrow of it: Nor is this Law, nor was it or the like ever Enacted, or in Force in the Kingdom of *Ireland*. And if the Thousand Petitioners had been all of them *Ministers*, which yet I very much doubt; yet, Considering the popular Mistakes that many in holy Orders were at that time drawn into, I cannot by their Authority,

rity, be at all inclined to believe, that any of the things which they Petitioned against, were any way contrary to God's Law, until I am convinced of it by sound Reason, or by the holy Scriptures.

Sect. 11. But this Author tells us, pag. 44. that by this Oath, *Men are forced to Accuse themselves, which is against the Law of God.* I answer, First that, However he would dexterously confound them together, yet there is a great difference between a Man's *Accusing himself* of a thing that no Man else lays to his Charge, and his *Confessing* a thing, which another has already accused him of. For a Man to *Accuse himself*, that is to say, to be the first that makes known, and publishes his own Guilt, or a suspicion of it, either to the World, or the Magistrate, is, at least in many cases, Unlawful; for if the matter reaches to his Life, he would, by such an Accusation of himself, become accessory to his own Death, (and yet if a Man should be erroneously Condemned to Death, for a Crime committed by another, it certainly would be Lawful, and I think, a Duty incumbent upon the Guilty Person to accuse himself, and expose

his own Life to the utmost hazard, if he had no other way to save the life of him whom he knew to be Innocent;) or if his Life were not in Danger, yet without any necessity, to publish his Crime, which before was secret, might be the occasion of Scandal. But where a Man is by another Accused, and required, according to the Law of the Land, to answer for himself, (which is the present Case) it is not unlawful for him to own his Fault, if a fault he has committed : But would, on the contrary, be a Sin in him to deny it. Secondly, There is, again, a difference between *confessing* a thing which really is a *Crime*, and *owning* that which is really a *Duty*, altho' thought or pretended to be a *Crime* by others. The former of these may seem, in some cases, to admit of doubt : But the later (which this Author maintains to be their Case) is always a Duty : To refuse to own and appear for what Christ has Commanded, being in effect to *deny him*, or to *be ashamed of him*, see *Matt. 10. 33. Mar. 8. 38.*

Sect. 12. Thirdly, Altho' in capital Causes, it would be Impolitick (and yet it will be hard to prove it to be unlawful) to make a Law, that



that the Person who is Accused should answer *upon Oath* to his Indictment ; because, it is presumed, that there are few Men, but what would forswear themselves, rather than lose their Lives ; yet, where the Punishment, or Consequence of a Fault is not so great ; but that it is reasonably supposed, that a Man would rather undergo it, than take a false Oath : It is not only lawful, but very fit and proper, that Laws should be Made to Compel those who are Accused or Suspected of such Faults, either to own their Guilt, when they are charged with it, or else upon Oath to assert their Innocence. That this is not unlawful, appears not only in that God has no way forbidden it, but also, because he himself has in some cases Appointed it : Thus, for example, If a Man were found Slain, and it not known who had slain him, the Elders of the next City to the slain Man, were required solemnly, in the presence of God, (which is really an Oath) to profess their Innocence of that Murder, *Deut. 21. 1, &c.* Thus, again, a Man was to purge himself by an Oath of the Lord from the suspicion of having put his hand to his Neighbours Goods, *Ex. 22. 11.* And (to

give no more Instances in so plain a Case) a Woman suspected of Adultery, (there being *no Witnesses against her*) Numb. 5. 13. was by *the Priest* to be charged by an Oath, whether she were Guilty or not, v. 19. And if an Oath may be required from a Man for his Truth and Fidelity for the time to come, (which all but the *Quakers* do allow) what reason can be given, why the same may not be made use of, (if the publick Good requires it) as a Test and Tryal of what he has done for the time past? Nor is this a thing only lawful, but also very reasonable and fit to be Enacted and practised in all Established Politicks whatsoever, who certainly are bound to take all the lawful Courses they can to detect and punish all Crimes that come under their Cognizance: Nor is it fit, where there is just ground of Suspicion, that an Offender should escape all Censure, because he has been so cunning as, either by Secrecy, Combination, Bribery, or Threatning, to fence himself against the producing of Witnesses, if any other lawful and probable way can be found out to discover his Guilt. How is it possible, in many Cases, to discover Forgeries, Frauds, and

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Combinations, but by bringing the Parties suspected upon their Oaths in Chancery? And if a Man shall be obliged to answer upon Oath, when he is suspected of having done wrong to a private Person, why may not the same be exacted from him, when the breach of the known Laws of the Land is laid to his charge? It is not therefore fair in this Author, either to say, that by the Oath *ex Officio*, Men are forced to *Accuse themselves*; or that that Oath, as Established by our Law, is *against the Law of God*: For, before this Oath is offered to any Man, he must be *Accused* by publick Fame, or the Presentment, either of a Church-Warden, or some other Person who undertakes to promote the Office; nor is there the least shadow of an Argument in any thing that he has offered, to prove the unlawfulness of what is herein by Law Established, or pursuant thereunto, practised amongst us.

Sect. 13. But, says he, the Law of God requires us to *swear in Truth, Judgment, and in Righteousness*, which in this Case is impossible: How! Impossible? Yes, If you will believe him; For who can swear in Judgment to what he does not know,

is to be *Afferted* or *Promised*? No body indeed that I know of : But then, I cannot but stand amazed to find such a **Wicked Suggestion**, and so directly contrary to *Truth*, *Judgment*, and *Righteousness*, so boldly advanced, and that without the least pretence or offer of Proof (as if it were a thing Notorious and Undeniable) by a Man who calls himself a *Minister of the Gospel*, and pretends to have so tender a **Conscience**, as that he cannot comply with the Innocent Ceremonies of the Establish'd Church. The Case of the *Oath ex Officio*, is plainly thus. When a Legal Information is given to the Bishop, or his Official, that such a Person residing within the Diocess, has, or is justly suspected, to have Transgressed any of those Laws, which are Subject to the Cognizance of the Ecclesiastical Court, a Process or Citation is issued against the Person so suspected or informed against; and upon his appearance, Articles in Writing are, in the Name of the Bishop, exhibited against him, in which the Crime laid to his charge, is particularly specified; Of which *Articles*, a Copy is given him upon Demand (or if an Ecclesiastical Judge should be so

unjust as to deny it; A Prohibition lies of course, which stops his Proceedings) To which (not until he has had sufficient time, to Read and Consider it) he is, or may be, required to give his Answer upon *Oath* (much like what is done, when an Answer is given to a Bill in Chancery) And if any thing, to which by Law, he is not Obliged thus to Answer, be Inserted in the Articles, he may enter a Protestation against so much of the Articles; and is Sworn no further to Answer them, than as the Law requires it. Thus, in these Cases, a Man has all the Information offered him that possibly can be, of what he is to Swear to, before the Oath is Administred to him: And yet this Author has the Forehead to Suggest, that by the *Oath ex Officio*, a Man is required to Swear to *what he does not know, is to be Asserted or Promised*; and Parallels it, with *Subscribing a Paper not knowing what it containeth*, calling it in Express Terms *the like Case*, Pag. 44. Blessed Jesus! (Thou that art the *Truth*, as well as the *Way*, and the *Life*, *Joh. 14. 6.*) Is this a Minister of thy Gospel?

Sect.



Sect. 14. He Proceeds : Nor, says he, *can it be done (i. e. the Oath ex Officio, in this Case, required or taken) in Righteousness, for hereby we are made to Betray our selves and Dearest Relations, Accusing them for what is Duty, tho' our Adversaries Condemn it as Sin, Pag. 44.* To which I Answer, First, that what he here calls *Duty*, I have sufficiently made appear to be a Sin. I have Answered all his Objections against the Form of Matrimony by Law Established, and shewed, that nothing is Prescribed in or by it, that is any way contrary to the Law of God. And either we must explode some of the plainest Texts of the *New-Testament*, or else we must allow, that to *Disobey the Law of the Land, where it requires, nothing that is contrary to the Law of God is a Sin.* Secondly, (Whereas we are at present Considering the Case of the *Presbyterian Ministers*, as distinct from that of their People, which he handles in the following Chapter) He does not pretend that it is the *Duty* of a *Presbyterian Minister* to Solemnize Marriage in the manner that the *Directory* Appoints, or is now Practised in the *North of Ireland*: The utmost that he ventures to Affirm, pag. 8. being that it is *highly expedient, a*  
*Minister*

Minister of the Word be present thereat. And I think, that can be no Good Subject, who Professes to Act contrary to the Establish'd Law, not out of *Duty*, but only because he Judges it to be *highly expedient*. Thirdly, if People who Transgress the Law, are so far Mistaken, as really to think it their *Duty* so to do, and by no means to discover, either themselves or others, when they are Questioned for the same; Will it follow from hence, that it is unlawful for Persons that are in Authority to call them to Account, and, Pursuant to Law, to require them upon Oath, to Discover and Declare what they know of the matter? If so; Then, if the most Wicked Men shall but Plead Conscience for what they do (as our Saviour tells us, even they who *Killed* his Disciples would do, *Joh. 16. 2.*) and Prevail upon the Witnesses to do the like, for their keeping the matter secret; The Magistrate can neither Punish the Offenders for the Crime Committed, nor Compel those who are Privy to their Guilt, to give their Evidence against them; For, whether their Plea of Conscience be Real or only Pretended, none but a God can cer-

certainly know: And if a Man be Guilty of, or Privy to a Thousand Frauds, he may upon this Principle, keep them undiscovered, in spite of the High Court of *Chancery*. For if a Bill be Preferred against him, and he Pleads to it, only in General Terms, that what he did, was purely upon a Principle of Justice and *Duty*, tho' his Adversary Condemn it as *Sin*. And therefore, that he is not bound to Discover the Particulars required of him, to the Prejudice of himself or others, However, what they have done, may be contrary to the Laws of the Land; How is it possible for the *Lord-Chancellor*, according to this Author's Doctrine, in such a Case as this, to Relieve the Person that is Wronged, or Proceed against those who have really Defrauded him? But if the Bare Plea of *Duty* and Conscience is not to be admitted against the plain Letter of the Established Law; Then why may not the Ecclesiastical Judge, notwithstanding this Plea, Compel a *Presbyterian Minister* upon Oath, to Answer to such Articles as, according to the Rules of the Law, are Exhibited against him?

Sect.

Sect. 15. And here he calls in a few  
 passages of Holy Scripture to his aid; But  
 how much to the purpose, let the Reader  
 Judge. *Nor would, says he, Our Saviour*  
*Accuse himself, when Questioned by his Un-*  
*just Judges, Matth. 27. 11, 12.* But sure  
 this Author did not Read this Text, when  
 he Quoted it. Our Saviour indeed,  
 could not *Accuse* himself of any Crime,  
 because he was without Sin: But the  
 main thing that he was *Accused of*, viz.  
 That he took upon him to be the *Christ*,  
 the *King of the Jews*, He readily owns, and  
 that in this very Passage that is Quoted,  
*Matth. 27. 11.* For, when the Governour  
 asked him, saying, *Art thou the King of the*  
*Jews?* *Jesus said unto him, thou sayest.*  
 And afterwards, he makes a Just Defence  
 for himself, by telling him, that *his King-*  
*dom was not of this World* (and Consequent-  
 ly not to be Feared by the Roman Em-  
 peror) *Joh. 18. 36.* And then again, he  
 owns to the Governour that he was a  
 King, *v. 37.* But, says our Author, our  
 Saviour *Answered not a Word.* I Answer,  
 that if this were true, it would be as  
 strong an Argument (or stronger) that a  
 Man who is falsely Accused, ought not  
 to speak in his own Defence, as that he,  
 who

who is justly suspected, and thereupon Accused, ought not to be Compelled to give a Direct Answer to his Accusation, which is all that the *Oath ex Officio* requires, or aims at. But the Notorious Truth is, that our Saviour ; Altho' at some times he returned no Answer to the False and Malicious Allegations of his Accusers, yet at other times, he did Answer for himself ; And particularly he did so, when he was thereunto required by those Persons who had Authority to Interrogate him, viz. the *High Priest*, *Math. 26. 63.* And the *Roman Governor*, in the Texts but just now mentioned. O ! But *they did not Administer the Oath ex Officio to him.* And what then ? Because this was not done by the *High Priest* or *Pilate*, when our Saviour was Tried for his Life, does it follow therefore, that it ought in no case to be done ? Even in Causes that are not Capital, where neither Life nor Limbs are at Stake ? This Consequence (and almost all the rest that he says upon this Point) will bear as hard against the Courts of Chancery, which require Men to Answer upon Oath when they are suspected of Frauds

and



and Combinations, as upon the Ecclesiastical Courts, which in several Cases are Authorized to Demand the like Answer. And yet, that the *High Priest* did Administer just such an *Oath* to our Saviour; upon which he returned him an Answer, altho' before he had stood silent; is so very plain, as not to be overseen, except wilfully. *The high Priest answered, and said unto him, I adjure thee by the Living God (that is, I require thee upon Oath) that Thou tell us whether Thou be the Christ, the Son of God? Jesus saith unto him, Thou hast said. That is, thou hast said truly, I am the Son of God, Matt. 26. 63, 64. Nor was it our Saviour's Design (John. 18. 20, 21. upon which place our Author seems to lay a stress) to decline giving an account of what was then demanded from him; but only to shew, that the matter of Fact was so publickly, and thoroughly known already, that there was no need of repeating it: For when, v. 19. the high Priest asked Jesus of his Disciples, and of his Doctrine; Jesus answered him, I spake openly to the World, I ever Taught in the Synagogue, and in the Temple, whether the Jews always resort; and in secret have I said nothing; why askest*

*askest thou me? Ask them which heard me, what I have said unto them : Behold they Know what I said.*

Sect. 16. In the next place he tells us, that the *Egyptian Midwives* (*Hebrew Midwives* he should have said, if he had look'd into the Text) *tho' questioned by their King, would not betray the Hebrews*, Ex. 1. 17. 18. *Betray the Hebrews !* What does he main? for no such thing was required from them. The Case was thus (as it is set forth, Ex. 1.) The King of *Egypt* fearing that the Children of *Israel* (who multiplyed exceedingly) might soon grow too mighty for him and his People, not only oppress and afflicted them, but also gave a secret Command to the *Hebrew Midwives*, that they should Murder, in the Birth, all the Male Children of their own People. The *Midwives* who feared God, did not obey this Command of the King, and when they were questioned for it, they make a defence for themselves, which if true, (as perhaps it was) was very sufficient; but if it were a lye, I hope no Man will think it fit to be imitated : Nor, says he, would *Rahab the Harlot* betray her Guests, Jos. 2. 3, 4. I answer, that if any Man be as fully perswaded

led, as *Rahab* was, that he ought not to dis-  
 cover, or give Evidence against those who  
 break the Laws, or practise against the Go-  
 vernment; how far this Perswasion of his  
 may acquit him before the Tribunal of  
 God, I shall not take upon me here to de-  
 termine; but this I will say, that if they  
 who are in Authority, are as fully perswa-  
 ded that they are bound in Conscience,  
 and for the sake of the publick Good, to  
 make Laws, or to use such means as the  
 Law already Prescribes, for the detecting  
 and punishing of such Offenders; no rea-  
 son can be given, why this Perswasion of  
 theirs, should not as well be a Rule for  
 them, as for the others to walk by. He  
 adds, that *Jeremiah* would not answer  
 the King to the hazard of his Life, 'till he  
 gave him security, Jer. 38. 14, &c. Nor  
 would *Christ* proceed against the *Adulteress*  
 without her *Accusers*, John. 8. 10. but  
 these Allegations are as wide from the pur-  
 pose as well can be: For neither was *Je-  
 remiah* (in the place Quoted) accused of  
 any breach of the Law, but only, being  
 Prophet, was (as such) *Consulted* by *Ze-  
 kiah*, and that in private; and he fear-  
 ing,

ing, that the *counsel* he should give, altho from God, might be ungrateful, either to him or his Nobles, would not tell him what the Lord had made known unto him until he had given him his Promise, that he would not *put him to Death*, neither does the Oath *ex Officio* require any Man to give an answer *to the hazard of his Life* nor would Christ proceed against the Adulteress, even while her *Accusers* were present, *Joh. 8. 6.* for he took no manner of Worldly Authority upon him. No can any thing be more plain, than that the Law which God gave unto the People of Israel, did Appoint, that a Woman suspected of Adultery, should be *proceeded against*, and that by an Oath, *ex Officio* Numb. 5. 19. altho' she were Innocent and had *not been Defiled*, v. 14. *nor any Witness against her*, v. 13. nor any other Accuser, but only the bare *jealousie* of her Husband; and that arising, not from any occasion Ministred by her, but only from his own Suspicious temper, if *the Spirit of Jealousie come upon him*, says the Text, v. 13.

Sect. 17. He goes on, and tells us, that it's expressly forbidden to receive an *Accusation against an Elder*, but before two or three *Witnesses*, 1 Tim. 5. 19. I answer, besides, that he who upholds a *Schism*, that is, an *unnecessary separation* in the Church, has but little reason to claim the privilege of an *Elder* of it; besides this, (I say) that if an *Accusation*, indeed, be brought *against an Elder* by one single Person alone, it ought to be rejected; but if he be *Accused* by two sworn *Witnesses*, who are purposely appointed to make *Presentment* of certain *Enormities*, (as the *Church-Wardens* are in every *Parish*) or by a publick fame, which includes a multitude of *Witnesses* : From such an *Accusation* as this, no *Elder's Character* ought to shelter him. But, says he, *The Gravity and Office* of an *Elder* should defend him from being defamed publickly. I answer, that no Man ought to be defamed, whether publickly, or privately : But will this Author say, that he or any other Man is *Defamed*, when no more is laid to their charge than what they own, and pretend to be their Duty?



But *bringing* an Elder into the Court, is a Defaming of him, *if there be not Great Cause for it*. And is there not *Great Cause* that such *Elders* as these, who make a Schism in the Church, openly Contemn the Established Law, and Maintain such Principles as tend to the Subversion of all Humane Laws whatsoever. Is there not *Great Cause*, I say, that such *Elders* or Pretended Elders, as these, should be Questioned for what they do? He Complains, in the next Place, that they *must not see their Witnesses*: But this same Complaint, with the Addition of a little more bitterness, we shall Meet with again in the next Page, and there I shall give an Answer to it. Then he Exclaims against the 65th Canon of the Church of Ireland, as if it Denied all remedy against False Witnesses and Accusers; And here, he has the Conscience to Insert some Words of his own in the Italick Character, as if they were the Words of the Canon, which do very much Pervert the meaning of it, and, at the same time, not only to take no notice of the Ground and Reason of that Canon, which is express'd in the Body of

it, but also, in that small Part of it, which he pretends to set down; he omits Two most Remarkable Words, upon which the reasonableness of the Whole does most visibly depend. The substance of the Canon is, to *Admonish and Exhort all Judges, both Ecclesiastical and Temporal — that they Admit not in any of their Courts, any — Suit — against any Church-Warden, &c. or other Church-Officers (viz. such as are Sworn, and Charged to Present Crimes and Disorders, and Common Fame ; for such only are meant and specified by the Canon) Nor against any Minister, for making any Presentments, tending to the Restraint of Shameless Impiety : And the reason that is given is, because the Rules both of Charity and Government do Presume, that they did nothing therein of Malice, but for the discharge of their Conscience. And, indeed, if Publick Officers, fairly and legally Constituted, who are under an Express Oath (or any Obligation that is equal to it) to Perform their Duty, are not carefully Protected in, and upon account of the doing whatsoever they are so Obligated to, who would ever yeild, to be not only a*

Church-Warden, but almost any Officer of Justice whatsoever? If a Judge is mistaken in the Meaning of the Evidence, or in Point of Law; and gives a Wrong Sentence against me, in a Cause upon which my Whole Estate depends, I may indeed Remove my Cause into a Superior Court, but I have no Action against the Judge *for the Wrong he has done me*: The reason of which is, that a Judge is a Sworn Officer; and therefore *the Rules of Government* (to say nothing of *Charity*) do and must *Presume*, that what he has done was according to the best of his Care and Skill, except the contrary can be Proved: And if a Judge should be laid open to Suits and Actions, upon pretence, that he had not Acted fairly in the Distribution of Justice, it would be a dangerous thing, for him at any time, to give Sentence against a Rich or Great Man. All inconveniences can never be prevented by Humane Laws; But such as are the Greatest, must chiefly be regarded. And if I have no Remedy against a Judge in the Case but just now Mentioned; why should I be allowed to Commence any Suit against a Church-

Church-Warden, supposing he had, through Mistake, or False Information, Presented me to the Ecclesiastical Court for a Crime which I was not Guilty of? Especially considering, that if I am Innocent, such a Presentment can do me little or no Damage. For all that the Church-Warden can, in such a Case, present, is the *Common Fame* (which sometimes may be False, and yet by his Oath, he is bound to Present it, except he is very well Assured that it is so :) And if I Deny the Fact upon Oath, and Produce some of my Neighbours to Testifie their Belief of my Honesty, and Veracity in what I so Swear, I am not only thereby freed from all Censure or Punishment, 'on Account of such a Fame as has been raised against me, but also am, by Publick Proclamation in the open Court, Vindicated, and my Reputation Justified against it. And thus we see, how Fair and Reasonable this *Canon* is : Let us now enquire, whether this Author be as Fair and Candid in the Representation that he makes of it. And here in the First Place, whereas the *Canon* makes Mention of no other *Officers*, but

*Church-Officers* ; Tells expressly who are meant by them, viz. *Church-Wardens, Quest-Men, Side-Men, and* (if there be any) *such other Officers as are Sworn to Present, &c.* And desires only that such as these, with the *Minister*, may not be Molested for any *Presentments*, which according to to their Duty, they are bound to make ; This Author inserts the following Words, as the Words of the Canon, [viz. *or any Officer of the Court*] As if it were the Design of it, that Advocates, Proctors, Registers ; nay, and even Apparitors (who also are *Officers of the Court*,) were to be sheltered from all Prosecution, as well as the *Church-Wardens* on Account of any *Presentment*, whether True or False, which they of *their own Accord*, and not being thereunto bound, should bring into the Court. Secondly, Whereas the Canon expressly, and only speaks of *SWORN Officers* ; who, being upon their Oath, are always, in Law, presumed to Act according to Conscience, except the contrary Appears by Good Proof. This Author, in setting down the Words of it, very unfairly leaves out the Word *SWORN*,  
and



and thereby, gives the Canon a very Different Aspect, from what is truly the Design of it : For it would, I Confess, be a very unreasonable thing, to Allow Men that were not SWORN, to make such *Presentments* as the Canon speaks of, and, at the same time, to Protect them from all Prosecution, on Account of any Wrong which thereby (perhaps wilfully) they may have done to their Neighbours. Thirdly, Whereas the Canon speaks only in favour of *making Presentments*. This Author leaves out the Word *Present* or *Presentment*, and instead thereof, puts in the Word *Accuse* (which Word, is not in the Canon) As if any Man that should *Accuse* another (whether Truly or Falsely) in the Ecclesiastical Courts, were not to be called to any Account for what he had done ; whereas, between *Presenting* and *Accusing*, (not only in the Style of the Law, but even in that of Common Sense) there is so very great a Difference, that I admire how any one can thus Confound them : For besides, that a *Presentment* is Null, if it be not made by a *Minister or Sworn-Officer*, whereas every Man that will, has

Liberty

Liberty (In all Courts, as well Temporal as Ecclesiastical) to *Accuse* : Besides this, I say, he that *Accuses* another, lays a *Fact* positively to the charge of the Party accused; and undertakes to prove the Truth of it, whereas he who makes a *Presentment*, only Declares, that there is a *common Fame* of such a thing done, or reported to be done, by such a Person; but whether the Party Presented, be really Guilty of the Fact, or not, is not said, or so much as intimated. And altho' an *Accuser*, who cannot make proof of his *Accusation*, may, in some Cases, be supposed to act falsely, as well as maliciously, for which cause, there may be some times a very just reason for calling him to an account for what he has done; yet he who does no more, but, by vertue of his Oath and his Office, declare *what he has heard* (the consequence of which, is as well the open Vindication of an Innocent Person, from a publick Aspersions, as the bringing of the Guilty to condign Punishment, which is the case of a *Presentment*) he, I say, must always, in Law, be presumed to have acted fairly and uprightly  
(except

(except the contrary can very plainly be made appear,) and therefore has a just title to be Protected, not only from Punishment or Oppression, but also from all Trouble, Charge, or Prosecution on account of what he has so done. Fourthly and Lastly, Whereas the Inference, which he pretends to draw from this Canon, is, that hereby all remedy against false Witnesses, and Accusers is denied, and Encouragement given to malicious Men falsely to Accuse of the grossest Scandals: Besides that, the design of the Canon does no way comprehend, either Accusers or Witnesses, who are private Persons; but only Ministers, Church-Wardens, and such sworn Officers, who act in a publick Capacity; and therefore, by the Rules of Government, ought carefully to be Protected; I do not see how all remedy, even against Ministers or Church Wardens, in case that, under the pretence of their Office, they wilfully do wrong, is hereby denied. For the Canon does not positively forbid any Complaint, Suit, or Plea to be admitted against them; but only Admonishes and Exhorts that it be not done: And the expresse Ground of this Admoni-

tion.

tion or *Exhortation*, is no more but the *Presumption* both of *Government* and *Charity*, that they have Acted, *not out of Malice*, but *Conscience*. Now, it is a Rule (I believe) in all Laws, that *just and reasonable Presumptions* are *always to take place*, if *very pregnant proof* does not appear to the contrary; but *against clear proof* no presumption is to be insisted on. If then, any Person, who is Presented to an Ecclesiastical Court, shall Petition any Judge, whether *Temporal* or *Ecclesiastical*, and undertake (and that under sufficient Caution for paying of Costs and Damages) to bring *clear and sufficient proof*, that the *Minister*, *Church-Warden*, or other *sworn Officer*, who Presented him, did not therein act *Conscientiously*, but *Maliciously*, and made *Presentment* of a *Fame*, when really they knew there was none such; I see not, I say, why, in such a Case as this, any such Judge, should, *by this Canon*, be hindered from receiving a Complaint of this nature; Provided always (as I said before) that the Party Complaining, give sufficient Caution, and Security to pay Costs and Damages to the Minister or Church-Wardens,

dens, against whom he made Complaint, in case he should fail *sufficiently to prove* what he had laid to their Charge : For, tho' the *Government* cannot subsist, if publick Officers are not carefully Protected, not only from Punishment or Violence, but even from Trouble also, on account of the Discharge of their Duty, yet, if under the pretence of such an Office, it *plainly appears*, that they Abuse, and Oppress their Neighbours, they ought, for example sake, to be punished with great Severity. And thus, I think, I have fairly and fully Vindicated this Canon of our Church, against the odious Charge here brought against it. To proceed then;

Sect. 18. He tells us, that *the Law of God allowed none to be Condemned under two or three Witnesses*; and for proof, he quotes, *Num. 35. 30. Deut. 17. 6.* (which speak only, and expressly, of Condemnation to *Death*) and *Matt. 18. 16.* where mention, indeed, is made of *two or three Witnesses*; but Witnesses, not of the Fact committed, but only of the Admonition given, or Satisfaction demanded. But to the thing it self, I answer, that,



that, wherever there is occasion for Witnesses, no Man can, by the Ecclesiastical Law, be judged guilty of a Crime, except the same be proved against him by two Witnesses, and those Persons of good Credit. But as in the Case that is put, *Num. 5. 12. &c.* if the Woman suspected of Adultery, should refuse to undergo the test there proposed; *viz.* either to say, *Amen, v. 22.* to the Oath where-with she was to be *charged, v. 19.* or in pursuance hereof, *to drink the bitter Water, v. 24.* she was (by the implicit Construction, and Consequence of the Law) to be Reputed and punished as an Adultress (for otherwise, what would this Law have signified, if it was in the power of every Adultress to refuse to submit to it.) And as in the other case propos'd; *Ex. 22. 10.* if the Party should refuse to give his Oath; that he had *not put his hands unto his Neighbours Goods, v. 11.* he was (by the same Construction of Law) to be look'd upon as guilty of Fraud and Wrong towards his Neighbour, altho' there were no Witness to prove it against him (and that for the same reason that is but now given:)

Or

Or Lastly, if both these Persons, when they were brought to the Test by the Law Prescribed, should own their Guilt, and Confess the one her Adultery, and the other his Fraud, they ought to be (at least some way) Punished, and not let go free, because no Witness but themselves had Appeared against them (which would have Rendred these Laws Ridiculous and Contemptible) so, in the Ecclesiastical Court, if a Man being Process'd for any Crime, shall, when he Appears, either Refuse to take the *Oath ex Officio* when Legally Tendered to him, or else Confess the Crime that he is Charged with ; what reason can be given why he should not be look'd upon as Guilty, and accordingly Punished, altho' no Witness against him be Examined or Produced ? If a Bill in *Chancery* be Preferred against me, to Discover a Fraud, if I do not answer upon Oath, I am Out-lawed ; And if I Answer, and Confess the Fraud, I am, without Examination of Witnesses, Adjudged to make Reparation for the Wrong I have done. If then, in like manner, Articles in the Ecclesiastical Court are Exhibited against me,

me, upon the Suspicion of a Crime by me Committed; Why may not I be Compelled, upon Oath, to return my Answer to them; and upon Confession of my Crime, (in case I do Confess it) by Publick Repentance, to repair the Scandal I have given? But, says he, *No Man is obliged to Betray himself, or to Swear to his own Disgrace,* pag. 45. Which Maxims, if they are to be taken *without any Limitation*, as he proposes them, (altho' he Cites no Authority for them) will equally shelter a Man that is Guilty of a Fraud, from returning an Answer upon Oath, to a Bill of Discovery Preferred against him in *Chancery*; and him that is Guilty of Adultery, or any other Crime, Cognizable in the Ecclesiastical Court, from giving a like answer to Articles there against him Exhibited. But if they are not to be understood (as certainly they are not) in their full Latitude, but with some certain Bounds and Restrictions; then he should first have laid down these same bounds and Restrictions, and have shewn, that even in that limited sense, wherein they are generally understood, they would have come home to the purpose, to which he endeavours

Yours

ous to apply them. And the same thing  
 ought to have done with that Text  
 which he next Quotes, (*viz.* Prov. 25. 9.  
*Discover not a secret to another*) and the  
 sentence of Latin which he adds to it; or  
 the Consequence will be, that no man  
 ought to discover Murder, Felony, or  
 Treason, if it be committed to him as a  
 secret; which, certainly is more than he  
 designs to advance. In the next place he  
 Quotes *Grotius*, that the Confession of such as  
 are willing to PERISH, is not to be Admitted;  
 and *Festus*, that it was not the manner of  
 the Romans to deliver any Man to Dye, be-  
 fore that he who is accused have his Accuser  
 face to face, &c. But what is all this to our  
 Ecclesiastical Courts, which put no Man  
 to Death? (and yet at the same time he  
 would have remembred, that by our Com-  
 mon-Law, a Man that pleads Guilty upon  
 an Indictment, is to have Sentence pass  
 upon him, without any necessity of Exa-  
 mining Witnesses) but, I believe his Mind  
 was running upon the *Romish Inquisition*;  
 which, in the next Paragraph, he com-  
 pares our Ecclesiastical Courts, and this  
 might make him forget himself. Nor is  
 his next Quotation, out of *Trojan's Letter*

to Pliny, any more to the purpose than the other two before mentioned : For (besides that, this also was in matter of *Life and Death*; Death, at that time, being the Punishment inflicted upon Christians; nor has the Direction of the Emperor, given in a private Letter to the *Proconsul* of *Bythinia*, the force of a Law in the Kingdom of *Ireland*) the Case was thus; *Pliny* had, by Letter, Informed *Trajan*, not only of the Innocence, but also of the great number of *Christians* that were in those Parts, which made it as well Impolitick, as Cruel and Unjust, to put them to Death, when no other Crime but their Religion was laid to their Charge : And (amongst other things) he had told him in the same Letter of a *Libel without an Author* that was brought to him, in which many that never had been *Christians*, and some that had forsaken Christianity, had their Names set down, and were brought to their Tryal, as being *Christians*. The Emperor, in his answer, amongst other Directions that he gives *Pliny*, orders him to proceed against no Man, upon the pretence of any Crime, upon such sort of *Libels* as were Preferred to him without an

*Author*



Author : His words are , *Sine Authore verò*  
*propositi Libelli, nulla crimina locum habere*  
*debent. i. e. but without an Author of the Li-*  
*bel preferred, no Crimes ought to have place.*  
 Now, why our Author should quote this  
 passage; and much more, why he should  
 falsifie it (for *verò*, a Conjunction putting  
 into a Noun Adjective, and so Transla-  
 ting it *a certain Author*) I cannot well i-  
 magine. If an Information, with a fair  
 appearance of Probability, altho' with-  
 out a Name, be given to any Person in  
 Authority, concerning a Crime alledg'd  
 to be Committed or Designed; it is sure-  
 ly a just Ground for farther Inquiry; or else,  
 it may be, the *Gun-Powder Treason*, and  
 many other Enormities had never been  
 Discovered : But we all do allow, that no  
 Judge ought to proceed against any Man  
 as a Criminal, except some reasonable In-  
 formation be first given, and that by a  
 known Person, concerning the *Fact* which  
 is laid to his Charge; or concerning the  
*Fame*, where the Law has thought fit (as  
 in some cases it is very reasonable) to  
 make a *common Fame* a Ground for Pro-  
 ceeding. And for this there was no ne-  
 cessity to produce the Authority of an Em-

peror, and much less to make any alteration in his Words.

Sect. 19. The *Romish Inquisition* is a Tribunal, which, both for its Injustice and Cruelty, is justly abhorred by all Protestants : And this Author, that he may render our Ecclesiastical Courts as odious (if possible) as the *Inquisition* it self, has the assurance to tell the World, pag. 45 that *the Rules of Romish Inquisitors are, by them, exactly observed, in proceeding against the Presbyterian Ministers.* Thus, without a blush, he dares to word his Accusation, as if the method of proceeding in the *Romish Court of Inquisition*, and our Ecclesiastical Courts here, were the same in all branches and particulars ; no less than that being evidently implied in the word EXACTLY : But when he comes to make proof of this his so general Assertion, he gives Instance only in three Rules; which I shall briefly Examine. First then, says he, *This is a Rule in the Inquisition : Witnesses are not to be made known.* And to shew that it is also a Rule amongst us, he again alledges the 65th Canon, of which I have but just now (*viz.* Sect. 17.) given an account. In the *Romish Inquisition*

ion, it is true indeed, *the Witnesses are*  
*not made known.* But when their Deposi-  
 tions are laid before the Party accused,  
 their Names are carefully concealed; as  
 we are told by *Phil. a Limborch*, Hist. In-  
 quis. Lib. 4. Cap. 20. But this *Rule* is so  
 far from being *exactly* Observed amongst  
 us, that on the contrary, by the method  
 of our proceedings, a Witness never is,  
 nor can be concealed: For, either a Man  
 is Presented by the *Church-Wardens*, and  
 then they are *known Witnesses* of the *Fame*  
 or *Fact*, for which they Present him; or  
 by some other Person, who voluntarily  
*promotes the Office*; or, Lastly, the Eccle-  
 siastical Judge proceeds against him upon  
 a *common Fame*, without any other sort of  
 Presentment at all. And, in these two last  
 Cases, if he denies what is laid to his  
 Charge (whether it be *Fame* or *Fact*) it  
 must be Proved by *Witnesses* upon Oath,  
 whose Names are *made publick* as well as  
 their Depositions. And, as for our 65th  
 Canon, the Design of it is no more (as I  
 have already shewn) but only to Exhort  
 all Judges not to admit of Suits against  
 Ministers and Church-Wardens for do-  
 ing their Duty: Nor is there the least

mention of *Witnesses*, or of concealing the Name of any Person whatsoever, in the whole *Canon*. At first, indeed, I was much amazed at the Dis-ingenuity and Falsifications of this Author : But now I am used to them, altho' they seem to be greater ; yet my wonder grows less. Secondly, he tell us, that *another Rule of the Inquisition is, Non subit onus probandi qui denunciat, sed Judici onus remittat* : Which he thus Translates. *The Judge, and not the Accuser, is to make Proof of the Accusation* : But besides that, he does not here fairly represent the Matter, with Relation even to the *Inquisition* it self (for *Qui Denunciat* is not rightly Translated *the Accuser* ; *Inquisition, Accusation, and Denunciation* being three very different ways of Proceeding in that Court) Besides this, I say, the Rule is no way Applicable to our Case. Where the Ecclesiastical Judge, indeed, Proceeds against a Man upon Common Fame without any Presentment, it is his business, of his own Accord, to Summon Witnesses, if there be occasion for them, or else there could be no Proceeding in the Case. If the Church Wardens, who are *Sworn Officers*, do Present any Man, their

Pre-

Presentment is, by the Law, Allowed as a sufficient *Proof* of a *Fame* (which commonly is all that they do or can make Presentment of) But if any Private Man takes upon him, either to *Accuse* another of a Crime in the Ecclesiastical Court, or to *Promote the Office* in such a Case, which has the nearest resemblance to *Denunciation* in the Court of *Inquisition*; It is the *Accusers* or *Promoters* business, and not at all the *Judges*, to Produce Witnesses to make *Proof* of what is Alleged: Nor has the Judge any farther to do in this Matter, except it be, *at the request* of the *Accuser* or *Promoter*, to grant a *Compulsory Process* against such Witnesses, as otherwise refuse to Appear and give their Testimony. And yet, if any Judge (whether Ecclesiastical or Temporal) should happen to know of any Man that were able to give Evidence in a Criminal Cause, what hurt, I pray, were it for such a Judge to Summon such a Man, and require him to give his Testimony? But the Pretended Grievance here is (as he Represents it) that *our Official Judges* endeavour to bring the Crime to Light by their *Oath ex Officio*, which Lessius the Jesuit, Lib. de Just.



pag. 397. calls *Tortura Ecclesiastica*, *Ecclesiastical Torture or Wrack*. But having already in this Chapter, *Seet. 9. &c.* given a Fair and Rational Account of this *Oath*, and fully Vindicated it from those Objections which he has brought against it; I see no reason why it should be laid aside, because *Lessius* has thought fit to call it by a *fancyful* name. But this Author seems to take a strange delight in False Quotations. For in that very Place which he Cites, neither does *Lessius* speak of the *Oath ex Officio* in Particular, but only, in General, of any Oath to be Administred to him, that is Accused of a Crime before any Judge, whether Ecclesiastical or Temporal; Neither does he

Vid. Less. de Just.  
Lib. 2. Cap. 31. Dub-  
3. N. 15.

call it *Tortura Ecclesiastica*, as if it were peculiar to the Church

(as this Author would insinuate) But *Spiritualis quædam Tortura*, or a sort of Torture inflicted upon the mind in contradistinction to the *Torture or Wrack* to which the Body of a Criminal is, by the Laws of some Countries, to be put, *Cum*, says he, *non pessimam mentem non minus urgeat ad veritatem dicendam quam Tortura*. That is to say,

say, that an Oath is as effectual, to bring a Man, who is not void of Conscience, to speak truth, as the Wrack it self. A Third Rule of the Inquisition, says he, is, It is not necessary to Prove the Crime, in Order to Proceeding against the Accused. In Order to Proceeding ! What does he mean ? Must there not, in all Causes whatsoever, be some Proceeding (as Arraigning, Indicting, Presenting, Accusing, Summoning, exhibiting of Articles, or a Libel, or the like) before they come to the Proof of the Matter Alleged ? And if an Innocent Man be Legally Accused, ought he not to be Proceeded against according to Law, until such time as he is fairly acquitted ? I grant indeed, that the Proceedings of the Inquisition, before Proof is made of the Crime, (as well as after) are Unjust and Cruel. For as soon as a Man is secretly informed against, the Inquisitors immediately, not only Imprison his Person, but also Seize his Goods and Effects before he is brought to his Tryal; whereby every Innocent Man is exposed to Ruin, by the Malice of any one that bears Ill-Will to him. For besides the loss of his Time and Liberty, whereby all his business

ness goes to Wrack, it is scarce possible but his Goods and Effects will be much Embezled before his Tryal (which comes on but slowly) is over. But is there any *Proceeding* like to this in our Ecclesiastical Courts? O! But *our Officials*, says he, *Proceed to admonish, in Order to Excommunication.* What he would have, I know not. But our Laws allow no Man to be *Excommunicated* in such Cases as here we are speaking of, Except, for contempt of the Lawful Jurisdiction of the Court. That is to say, if he either refuses to Appear, being duly Summoned, or Appearing does not obey the Lawful Orders or Sentence of the Court: And why it should not be for the Honour of the Court, that they *Proceed to admonish* before they *Excommunicate*, (as our Author tells us) I am not able to find out.

Sect. 20. From the latter end of pag 45. to the middle of pag 47. He makes it his business to Prove, that the *Oath ex Officio*, is *opposite to the Laws of England*. But besides, that he is not Candid and Fair in the Representation which he makes of this Matter. It is enough to answer that even in *England*, this Oath was never

Judge

Judged to be against Law, until that Unreasonable Statute against it and other things, was by the Long Parliament extorted from King *Charles* the First (as I have already said) And this Author cannot be ignorant, that neither that, nor any other Statute, made in *England*, is of any force in *Ireland*, except that *Ireland* be expressly Named or Included in it. And here he Quotes *Bishop Burnet's History of the Reformation*, Part 1. pag. 116, 146, 147. and 170. In which Places his Lordship gives an Account of the Complaints that were then made of the Rigorous, and sometimes Illegal Proceedings of the Ecclesiastical Courts in Cases of *Heresie*, and of the Statute thereupon made, 25. H. 8. C. 14. for the better Regulation of such Proceedings : But all this, which is expressly limited to, and spoken of, the Case of *Heresie* alone (which in those Days was a Capital Crime, and Punished with *Death*; and that, in the most Terrible Manner, viz. by *Burning*) our Author with his usual sincerity, and without the least warrant, either from the History, or the Statute, or any Practice that ensued thereupon, so expresses, as if it were to be applied to all  
the

the Proceedings of the Ecclesiastical Courts, in all Causes whatsoever: To strengthen his Proofs of the Illegality of the *Oath ex Officio*, he Quotes the *Learned Lord Verulam*, pag. 46. But where in that great Man's Works, the words which he Cites are to be found, he does not inform us. The greatest part of the Quotation (abating for the great Alteration he has made in it, altho' he sets it all down in the Italick Character, as if they were the very words of that Judicious Person) I find in a Discourse Written by him, *touching the better Pacification and Edification of the Church*; And in the Chapter concerning *Circumstances in the Government of Bishops*. In the last Paragraph of which Chapter he proposes, not the utter Abolition, but the Reformation of the *Oath ex Officio*: The Sum of which is, that the Proceedings of the Ecclesiastical Courts, with Relation to that Oath, should not be wholly taken away, but brought to a nearer Conformity to and Agreement with the Rules and Customs of the Temporal Law. And here, that we may at the same time have a clear notion, both of his Genuine thoughts touching



touching this Matter, and our Author's unfair perverting his Sense, and altering his words ; I shall venture to detain the Reader while I make a few Remarks upon this Quotation.

First, then Sir *Francis Bacon* (for such by the Title Page, he appears to have been when he Writ that Discourse) Expressly owns ; that *the Laws and Customs* (*viz.* the Temporal ones) of the *Land and State*—do not Rule those Proceedings (*i. e.* were not the Established Rule for the Ecclesiastical Courts to observe and follow) Yet (says he) *they may be Advised with for better Directions, viz.* in order to amend the Proceedings of the Spiritual Courts: And therefore when he suggests, that the Oath *ex Officio*, is *contrary to the Laws and Customs* of the *Land and State* ; his meaning can be no more, but only that that method of Proceeding (however at that time supported by Laws that were in force) was *contrary* (at least in some things) to the method Prescribed for the Temporal Courts, by those *Laws and Customs*, which were to be the Rule of their own Proceedings. But this Part of the Quotation our Author leaves out.

Secondly,

Secondly, The great Fault that the Lord Verulam there finds with the *Oath ex Officio*, is, that by some it was then so far strained, as that Men were sometimes Sworn unto *Blanques*, and not unto *Accusations and Charges Declared*; which, I believe, was a thing very rarely practised; and wherever that practice had in the least obtained, I think, it ought to have been amended. But I am perswaded, that this Author cannot give one instance of any thing like this, in these Days, used amongst us: For if he could, I believe he would not be so tender of the Established Church, as to have Concealed it, or to have Omitted, as he also has done this part of the Quotation.

Thirdly, The Lord Verulam, in *Criminal Matters, not Capital*,—where there is an *Accusation, and an Accuser*, does not Disallow of such an *Oath as is required in the Chancery*, and was then also in the *Star-Chamber*; and if so, what fault could he have found with the *Oath ex Officio*, as it is now regulated amongst us; where no Man is obliged to take that Oath, until Articles in Writing are Exhibited against him; which Articles do contain the *Accusation*.

*cusation* that is brought against him; and his Accuser is either the Bishop of the Diocess, by vertue of his Office, or the Church-Wardens, in pursuance of their Oath; or lastly, some Person who voluntarily undertakes to promote the Office?

Fourthly, Even to *Examine a Man upon Oath, out of the Insinuation of Fame, or out of Accusation secret and undeclared*, the Lord *Verulam* owns to have some Countenance from the *Civil-Law*: And many things we know were, and are still, allowed to be Ruled by the *Civil-Law*, both in *England* and *Ireland*. But our Author (besides other Falsifications by him made in this part of the Quotation) instead of these words [*have some Countenance from the Civil-Law*] sets down these in the Italick Character, as the words of the Lord *Verulam*, viz. [*carrieth no shew of the Civil-Law*] give me but liberty to Quote Books after this manner; and I may well undertake, to make what I please, to be either Law or Gospel.

Lastly, (to omit other matters of smaller Consequence) whereas the Lord *Verulam's* Proposal is expressly this, and no more but this; that the Ecclesiastical Proceedings

ceedings, with relation to the *Oath ex Officio*, may well receive some limitation: Our Author leaves out these last modest and qualifying Words; and partly by Omitting, partly by Altering others of his Expressions, endeavours so to Represent the sense of that Judicious Lord, as if he would have the Oath, it self, not brought under any limitation, but wholly taken away and abolished.

But I must not forget, that the better to prepare the mind of his unwary Reader, to believe the Illegality of the *Oath ex Officio*, he endeavours beforehand to beget a prejudice in him, by telling him, *pag. 45.* that *its first Contrivers were Romish Inquisitors—to destroy the Waldenses: And it was brought into England—to root out the Disciples of Wickliff, pag. 46.* To which I answer, that what ill use may be made of a good thing I know not, but I will be bold to tell him, that the *First Contriver*, that appears, of such an Oath as this, was none other than God himself: And if I should say, that God gave an Oath of this very Nature to *Adam*, when he Demanded of him, *Gen. 3. 11.* Whether he had Eaten of the Forbidden Fruit, it would, I think, be

be a better Argument for it than what he brings, pag. 19. to prove that Marriage ought always to be Celebrated publickly, viz. because all Mankind was present at the first Marriage: But that God did expressly appoint such an Oath as this, to be Administred, and Taken in several cases, I have given Instances in this Chapter, Sect. 12. to which I refer the Reader.

Sect. 21. In the next place, pag. 47. he comes to consider *the Crime alleged against them (i. e. the Presbyterian Ministers:)* And here, (to pass by his trifling Objection, that, to accuse them of *Solemnizing Marriage Clandestinely*, is a Bull; *these terms being directly Opposite*: Since every Body knows, that the Law neither does nor needs confine it self to the Clafical and Elegant Signification of Words, as long as its meaning is sufficiently known; to pass by this, I say) the things, he tells us, Objected to them are. 1. That they *Solemnize Marriage without publication of Banns.* 2. *In Obscure Places.* 3. *Not being Curates, Rectors, or Incumbents of these Places;* And, 4. *Without any Licence, or Dispensation procured to that Effect.*



And, if the Law of the Land requires (and that for very good reasons, as I have shewn at large in my *Introduction*) that Marriage shall be Solemnized in and after a certain Method and Form; that is to say. 1. The Banns being first Published. 2. In the Church. 3. And by the Rector, Vicar, or Curate; except, 4. That some part of this Observance is dispensed with, by those to whom the Law has (for the ease of those that desire it; and upon sufficient proof, that all things therein are fairly and lawfully Transacted) committed the Power and Trust of Granting such Dispensations; if, I say, the Law of the Land has thus provided for the Solemnizing of Marriage; are not these four things, which he has mentioned, very just Accusations against all those who presume in that manner, not only to Violate, but even Contemn the Law? but let us hear his Answers. To the first he says, that *the purpose of Marriage is three several Days of publick Worship, Proclaimed before more Witnesses than their Accusers desire should be present.* I answer, that if, besides this, they also Proclaimed it at all other the publick Meetings,

ings, lawful and unlawful, throughout the Kingdom; yet, still they are Guilty of the breach of the Law, if they pass by the Parish Church (which is the only place Appointed for such *Proclaiming* or Publication) except a Licence be duly taken Out to Solemnize Marriage without such Publication of Banns, as the Law otherwise requires. To the second he answers, that the *Worship of God is not confined to particular Places*; (and who says it is?) yet they generally Celebrate Marriage at the place of their publick *Worship*; observing the most Seasonable Time. But still, if the Law of the Land prescribes another certain Place, and Time for the Solemnizing of Marriage; and there be nothing in this Law contrary to any Law or Command of God; ought not he who Contemns this Law, to be called to any Account for what he does? To the third part of the Accusation; viz. that they Solemnize Marriage, being neither *Curates, Rectors, nor Incumbents*: He returns several Answers. First, says he, *What if we be Bishops?* I Reply, that even a *Bishop*, who is neither lawful *Bishop* of the Diocess, nor Incumbent

*bent* of any Parish therein, has not *by Law* any Power to Solemnize Marriage in such a Diocess, without the Leave of the proper Bishop thereof : But this, I believe, was not intended, by him, for a serious Answer. He tells us therefore, secondly, that *none of the Primitive Ministers for the first 300 Years were such (i. e. Curates, &c.) by Vertue of any Civil-Law : Yet did they lawfully Solemnize Marriage.* To which (besides, that the bare Example, even of the most holy Men, is not a sufficient Warrant for the Transgressing of any Law, under the Obligation of which, we justly lye) I Reply, that there was very good reason why the Primitive Christians should not Solemnize their Marriages according to the manner that was Prescribed and Observed by the *Heathen*; namely, because of the Superstitious and Idolatrous Divinations, Sacrifices, and other Ceremonies that amongst them were appointed to be Used upon such Occasions : And, until the *Presbyterians* can find out something in the Legal form of Marriage, that is contrary to God's Law, (which our Author has in vain Attempted, as I have largely

shew

(shewn in the preceding Chapter) the Example of the Church of the First three Centuries can never be fairly applied to their Case : Thirdly, Therefore he farther answers, and tells us, that *Marriage, tho' Solemniz'd without Curate, Rector, or Incumbent, may be Valid and Lawful in foro Dei & Conscientiæ*; that is to say, in the sight of God, and in Conscience. I Reply, first, that a Marriage, tho' otherwise Solemnized than the Laws of the Land require, is still *Valid in the sight of God and in Conscience*, I have not only Allowed, but Proved in my *Introduction*; nor was it ever yet Denied, that I know of, by any one Divine of our Church : Notwithstanding, that this Author would here again make the World believe, that we not only think our selves *obliged by the Acts of the Council of Trent*, which Decrees the contrary, *pag. 48.* but also, *pag. 50.* that we *glory in our Conformity to that Council*. For an Answer to which Calumny, I refer the Reader to my second Chapter : But yet, notwithstanding there may be very good reasons, why even such a Marriage should not be  
 allowed

allowed as *Valid* in a Court of Judicature,  
 and with respect to Civil Rights, until sa-  
 tisfaction is given to the Laws of the Land  
 concerning it; as I have shewn at large in  
 my *Introduction*; And if our Author had  
 but fairly weighed this Distinction between  
*forum Dei* and *forum Externum* (of which  
 his words above cited do shew, that he was  
 not ignorant) he would have kept himself  
 innocent of falsely aspersing our Church,  
 and might have saved the Labour of Tran-  
 scribing those Quotations which he sets  
 down, pag. 49. and 50. But secondly,  
 altho' such Marriages are undoubtedly Va-  
 lid in the sight of God, and (being once  
 Consummated) are not *in conscience* to be  
 receded from; no not by the Consent of  
 both the Parties: Yet will it not follow  
 from hence, that it is lawful in *foro Dei*  
 to Solemnize Marriage after this manner;  
 and the reason is, because so to Solemnize  
 Marriage, is contrary to the Laws of the  
 Land, which as long as they Prescribe no-  
 thing that is contrary to God's Law, do  
 Oblige all Subjects in *foro Dei*, or as the  
 Apostle expresses it *for Conscience sake*,  
 Rom. 13. 5. Altho' therefore a Marriage  
 Solem-



Solemnized by one who is not legally thereunto Empowered, may stand so firm as not to be Dissoluable by any humane Power whatsoever; yet will it not follow, but that he who thus has presumed to Solemnize Marriage (of whom only at present we are speaking) may be guilty of a Sin, and stand liable to punishment; For in many cases, where it may truly be said *factum valet*, it may be as true, that *fieri non debuit*. But he is not satisfied, pag. 50. with our *making all Marriages Clandestine, where the Curate and Common-Prayer Book are not present*. I answer, that where the Law requires, and Prescribes certain *Solemnities* to be observed and practised in the Contracting of Marriage; and that for this very reason; namely, to prevent private Marriages (which, if not Prohibited, would in many cases, be of very evil Consequence :) There is all the reason that may be for the Law to adjudge all such Marriages as are Contracted without these same Solemnities, to be *Clandestine*, and that, because they are not made in the way, and before the Persons that the Law Appoints, and therefore the Law

is not privy to them, at least, until sufficient proof of their Validity is made before such Person or Persons as are legally appointed to take the Cognizance of such Matters.

Sect. 22. But his answer to the Fourth Part of the Accusation, *viz.* that they Solemnize Marriage, not only without Publication of Banns, but also *without Licence, Faculty, or Dispensation*; which he draws out into several Branches and Recriminations, must be taken into more particular consideration; In order to which, the Reader is desired to observe. First, that by the Ancient Ecclesiastical Law, before any Marriage was Solemnized, the *Banns* (or purpose of the said Marriage) were Three times to be Published in the Church; that if any Man had any thing lawfully to Object against it, he might have time and opportunity so to do (*Vid. Pet. Greg. Tholos. Syntag. Jur. Univ. Lib. 9. C. 5. N. 9. 10.*) And for the preventing of all manner of Fraud in this Affair, the Time, Place, and Words of such Publication are particularly determined in the beginning of our Office of

*Matrimony,*

*Matrimony*, in the Book of *Common-Prayer*. Secondly, that, whereas it may, in many cases, be inconvenient, after a Marriage is Concluded and Agreed upon, to defer the Solemnizing of it, until such time as the Banns are Published according to the appointed method (which sometimes may be Three Weeks, and seldom so little as a Fortnight) Especially in Great and Rich Families, where private interest may often prevail with some Persons to endeavour to obstruct a Marriage by raising New Difficulties and Objections against it; even after the Agreement of all Parties to it; it has been found no less than necessary, that some Persons should be Entrusted with a Power to Examine, whether all things in such an Intended Marriage are fair and agreeable to the Laws, both of God and the Land; And if they find them so to be, to grant a Licence, that the Marriage may be immediately Solemnized, without waiting for the Publication of Banns. Thirdly, That in granting of every such Licence, our Ecclesiastical Law Prescribes all fit and proper Caution to be used: For, besides the *security* which  
our

our 49th Canon appoints in such Cases to be taken ; It is provided by the 50th Canon, that *before any such Licence be Granted, it shall appear to the Judge by the Oaths of two sufficient Witnesses, one of them to be known to the aforesaid Judge himself, or to some other Person of Good Reputation, then present, and known likewise to the said Judge ; That the express Consent of the Parents or Parent, or Guardians or Guardian of the Parties, is thereunto had and obtained (except in case of Widow-hood, Can. 51. Where the Persons are suppos'd to be sui Juris) And furthermore, that one of the Parties Personally swear, that he believes there is no Let or Impediment of Precontract, Kindred, or Alliance, or of any other Lawful Cause whatsoever, nor any Suit Commenced in any Ecclesiastical Court, to bar or hinder the Proceeding of the said Matrimony.* Furthermore, if any Man has a Suspicion, that his Child or Pupil has a design to Contract Marriage without his Consent ; and fears that the Judge may be impos'd upon by False Oaths or Allegations to grant a Licence to that purpose, he has Liberty before hand

to enter his Caveat in the Office of the Register, upon which no such Licence is, or can be legally granted, until such time as notice thereof is given to him, that he may offer what he has to say against it. And besides all this, even after such a Licence is granted, *if any Man can shew any just cause*, why the Persons *may not lawfully be Joined together*, he may Alledge the same in the open Congregation, and upon entering sufficient security, may stop the Curate from Proceeding ; as appears by the Rubrick in the Office of Matrimony. Fourthly, The Reader is desir'd to observe, that no Man is required to take out any such Licence, if he thinks fit to have his Banns Published. And Fifthly, That all the Fees, to the several Officers of the Court, for Drawing and Registering of the said Licence and Bond; the Swearing of Witnesses; and giving attendance upon the whole affair, Amounts but to Sixteen Shillings and Ten Pence by the Docket of Fees : And having thus fairly Premis'd these things; I shall now Proceed to enquire, whether these *Licences* are such strange Monsters as he endeavours to Represent them.

Sect.



Se&t. 23. First, then (*Pag. 50.*) he fears that *this is a great cause of the Quarrel with them*, because they are not fond of parting with their Money for such Licences. But this is a very unfair suggestion. For if they are willing to have their Banns Published according to Law (as here he says, tho' *pag. 47.* he tells us another Story, to which I have answered, *Se&t. 21.*) he knows very well, that no Man ever was, or can, according to our Establishment, be Quarrelled with, for not taking out a Licence to be Married without such Publication.

Secondly, He would know whether the *Laws to be Dispensed with*, by such Licence, are *Civil* or *Ecclesiastick*; against Dispensing with either of which, he brings his Objections. I answer, that however such a Licence may be commonly called by the name of a *Dispensation*; yet, properly speaking, no Law at all is thereby Dispensed with: Only, whereas it is justly thought to be necessary, that before a Marriage is Solemnized, sufficient satisfaction should be given both to the Church and all the World, that there is nothing unlaw-

unlawfully done or designed therein. The Law has appointed two several ways of giving this *satisfaction* ; one by a threefold Publication of the *Banns* in the Parish Church ; the other by making proof of such things as are therein proper or necessary, before the Bishop or his Official, and that upon Oath ; and taking out a Licence thereupon, which in effect is no more but an Authentick *Certificate*, to assure the Minister, who is to Solemnize the Marriage, that he may do it without Fear or Scruple, And every Man is left to his free choice, which of these two ways he will have recourse to : And therefore, for our Author upon so Poor an Occasion, to compare us to the *Church of Rome*, as setting to Sale *Indulgences and Dispensations*, (only because a small Fee is appointed to be paid to the Officers of the Court, for their Trouble and Attendance upon this business) with the rest of his Scurrilous Language ; of *Filthy Lucre* and *Simony*, which he joins thereto, *smells very rank* (to speak his own words) of Uncharitableness and Malice ; besides the most evident falsehood of it. To sell a Spiritual Gift or Office (which

(which can only be conferred by God) or a Temporal thing which the Law hath inseparably Annexed thereunto ; is Accounted *Simony* : But what hurt is it, that a very moderate Fee should be appointed for the Officers of an Ecclesiastical Court (who ought to have a Maintainance as well as other People) for their Time and Trouble, in drawing Writings, examining Witnesses, and giving such attendance upon business of this nature, as is necessary, in order to prevent Abuses and Irregularities, even in things that are Sacred ? The fault of the *Church of Rome*, with reference to *Indulgences and Dispensations* is two fold. First, that they take upon them, for Money, to grant Pardons for Sin ; And Secondly, that they lay heavy and unnecessary Burthens upon the People, and then make them pay dear for being eas'd from them : But is a *Licence* for Marriage a Pardon for any Sin ? Is the burden of having the Banns Publish'd before Marriage, so great or unnecessary as to be complained of ? Or is Sixteen Shillings and Ten Pence, to be paid for a *Licence* by those who are *desirous* to wave the Publication

cation of Banns, so great a sum, as to Em-  
poverish those who pay it, or much to  
Enrich those who receive it? Let this  
Man therefore explain himself, and shew  
clearly the Ground he has for these Abo-  
minable Suggestions, or else, forbear such  
Foul and Unchristian Language.

Thirdly, he tells us, that Licences are  
things of *Pernicious Consequence* — *Many  
Children taking this course to conceal their  
Marriage from their Parents*, pag. 91.  
To which I answer, that if the *Canons*  
(of which I have given an account, *Seet. 22.*)  
are duly observed, it is scarce possible,  
that that or any other *Pernicious Consequence*  
can follow from them. But, says he, *The  
Church Canons do not avail to prevent this  
Evil, where Money can prevail, as it sel-  
dom fails.* Now if he knows any Eccle-  
siastical Judge, who, by *Money* or any o-  
ther way, has been corrupted to grant Li-  
cences of Marriage unknown to the Pa-  
rents, or contrary to their Will, he ought  
to have named him; that not only he  
might be Punished, but also the *odium*,  
which he justly deserves, may fall upon  
himself alone: But, without any manner  
of

of proof, or the least exception for any one Bishop or Official throughout the Kingdom: To affirm positively that *Money seldom fails to prevail*, so that *the Church Canons do not avail to prevent this Evil* (which is at once to Charge all the Ecclesiastical Judges in the Kingdom with Bribery) is such a bold and horrid Accusation, that it requires more sure than this Author's *honest word*, to gain belief, even among the Enemies of our Church, that have any thing of Candour or Moderation.

Sect. 24. From, pag. 51. to almost the end of pag. 54. He undertakes to shew, that the *Presbyterian* Marriages are not contrary to the Civil Laws of the Land. And here,

First, With a specious shew, he pretends to own the Obligation that lies upon Subjects to be Obedient to such *Laws* as are *Just and Equal*, and that *for Conscience sake*, Rom. 13. 5. But for fear his Doctrine should be misunderstood, he immediately explains himself, and shews what he means by *Just and Equal Laws*: *Humane Laws* (says he, and observe, he is here



here speaking not of Laws Ecclesiastical; but the Civil or Temporal ones) are so far Obligatory as they are Edifying. And, again, No Man is to be Obeyed, unless Commanding things profitable and lawful; which last Aphorism he pretends to have taken out of Cicero, Lib. 1. Offic. but has not only changed; but also grossly mistranslated and wrested the Words, even as he himself hath set them down in Latin; the words as they stand in Cicero are these; *Ut nemini parere animus bene Informatus a Natura velit, nisi præcipienti, & docenti, aut utilitatis causa, justè, & legitime imperanti.* De Offic. Lib. 1. Cap. 4. Ex Edit. Rachelij. But, as this Author quotes and alters them, are thus; *Omnibus; a Natura bene Informatis, insitam est, ut nemini parere velint, nisi utilitatis causâ, & legitime imperanti*: That is to say, It is a Principle implanted in all Men, whom nature has well informed, that they are not willing to give Obedience to any Man, except it be for the sake of some profit, (viz. which they suppose will arise from such Obedience) and to one who Commands in a lawful way, (viz. has a lawful Power to Command them;) which is as if, in other terms, he had said,

T

That

That Nature, being well Instructed; and out of an apprehension of the publick Good (in which the welfare of private Men is included, and by it best secured) does indeed prompt Men to become Subjects to a lawful Government, but not to an Arbitrary Unlawful or Tyrannical Power. But to affirm *that humane Laws are so far* (and therefore no farther) *Obligatory* (than) *as they are Edifying* (altho' they require nothing which is contrary to God's Law;) and that *no Man is to be Obey'd, unless the thing* which he Commands (however Establish'd by the Law of the Land) be *profitable* as well as *lawful*, is the direct way to overturn all Government whatsoever : For who shall judge whether a Law be *Edifying*, or what the true meaning of the word *Edifying* is, or whether the *thing* Commanded be *profitable*, or for whom? Our Author will not say the Law-Makers are to be the Judges; for they, to be sure, look upon the Laws to be *Edifying* (or else they wou'd not make them, or wou'd repeal them) and what they command to be *profitable* (or else they would not command it : ) And so this pretence for *Disobedience* would presently vanish. The  
 People

People then , or every Man for himself ; must judge of these Matters (or else he says nothing to the purpose ,) and then see to what a lamentable Estate all humane Laws and Civil Governments are reduced : For instance , the Law requires such a thing to be done , and the Government accordingly Commands it , the *lawfulness* thereof cannot well be denied : But what then , cry those of our Author's Principles ; The *Law* is not *Edifying* , nor the *thing profitable* ; and therefore we will not give Obedience . But (says the Government , suppose) how do you know this ? The Law of God , indeed , is very plain ; and therefore it is easy for any Man , who is not prejudiced , to judge of most things , whether they are lawful or not : But , whether a thing be *Edifying* or *Profitable* to the publick Community , requires more Insight into , and foresight of things , than many Men are Masters of . No matter for that (reply they ; ) we for our selves (and not you for us) are to judge of *these things* ; and we think them to be neither *profitable* nor *edifying* ; and therefore your *Law* is not *Obligatory* ; nor are you to be *Obedied* by us : I will appeal to every so-

ber and impartial Man, whether this be not the natural Consequence of these Principles. And if this be the *Loyal Disposition* of the *Presbyterians* (of which our Author even boasts in the beginning of his Preface) and this the Doctrine Taught in their Meetings, which our Author, (pag. 47. lin. 34, 35.) insinuates to be very numerous; I refer it to the wisdom of the Government to consider, whether great Care ought not to be taken, lest this Doctrine, upon Occasion, may be reduc'd to practice in other cases besides the Rites and Ceremonies of Religious Duties. And if *Acts of Parliament* made concerning *Ecclesiastical* Matters, are thus allow'd to be despised and trampled upon, it is very evident that, a ready way is thereby open'd for the doing of the same, with such Laws as are Enacted for the security of the Civil State, whenever the Will and Power thereunto shall concur in the same Party.

Secondly, Altho' our *Liturgy* is Established by Two *Acts of Parliament*, and our Form of Matrimony thereby made the only *lawful* Rule of Joining Persons together in *Marriage*, throughout this Kingdom; yet he will prove that the *Presby-*

*terian*

terian Marriages, tho' otherwise made than the said Acts of Parliament do direct, are not contrary to the *Civil* (that is the Temporal) *Laws of this Nation*. His Argument to this purpose, is so very silly, that I am ashamed to take the pains to Answer it. *He presumes that the Civil Laws of this Nation are consonant to the Laws of God :* (and that altho' he has spent his whole third Chapter to prove the contrary, in relation to our *Form of Matrimony*, which is Established by our *Civil Laws ; viz. by Two Acts of Parliament*) *Therefore*, says he, *whatever is agreeable to these Divine Laws* (as he supposes a Marriage Solemniz'd according to the *Directory* to be) *must also be agreeable to the Laws of this Land :* The fallacy of which Sophism lyes in the Ambiguity of the Word *Consonant* or *Agreeable*. All *Civil Laws* ought to be so far *Consonant* or *Agreeable* to the *Laws of God*, as neither to Enact or require any thing which is contrary to them : But may not the *Civil Laws* of a Nation, for Prudent and Political Ends, Command several things to be done, which the *Laws of God* [alone] do not require from any Man? If then a Man does so



much, and no more but what the *Laws of God* [antecedent to all humane Laws] requires from him; will it follow from the little Logical Axiom

Quæ conveni-  
unt uni tertio  
conveniunt in-  
ter se.

which our Author Quotes, but neither explains nor rightly applies; that therefore he does nothing but what is agreeable and according to the Laws of the Land? For shame, let not a Man, who calls himself a *Minister of the Gospel* lay the Foundation of Schism and Disobedience to lawful Authority, upon such quirks as these.

Thirdly, He tells us that *God has given perfect Laws concerning all things Essential to Marriage; and all that is left to humane Prudence or Power, in this Matter, is the Determination of some things Accidental and Circumstantial.* Very right! And since the Law of our Land has only *Determined some things Accidental and Circumstantial in this Matter*, (*viz.* the particular Form of words, in which the Marriage-Covenant is to be made; the Ceremonies with which it is to be accompanied, and the like) what Argument can be drawn from hence, why these same Determinations should not be submitted to; for my part, I cannot imagine.

Fourthly,

Fourthly, He tells us, that *the Civil Law may prohibit things, which when done, it cannot make void.* We grant it: Nor do we pretend that a Marriage otherwise made than the Law directs, is *Void*. On the contrary, we affirm (against the Council of *Trent*) that it is binding and obliging before God, and in Conscience; and, if Consummated, is not, by the Law of our Land, to be rescinded: But yet we say, that such a Marriage, in the Eye of the Law, is to be look'd upon as no Marriage at all, until such time as it *legally appears* to have been a *Marriage* (for the Law must not take things upon trust; and that, which is not *made to appear*, must, before all humane Tribunals, be reckon'd not to be;) and, even after that, if it be an *Irregular Marriage*, it may be punishable; and (if the Law so stand) justly deprived of those Privileges and Civil Rights, which the Law has annexed to a Lawful and Regular Marriage; as I have shewn in my *Introduction*.

Sect. 25. In the next place, pag. 57. He proceeds to *consider what Statutes are now in force in Ireland, about Marriage*, and to make his advantage of them. And

here he begins with a most notorious imposition upon his Ignorant Reader ; telling him, that of *these* Statutes, we find only *Three* : For besides the *Three Statutes* which he mentions, there are no less than Four more *now in force* (and more there may be for ought that I know) in which *Marriage* is concerned, *viz.* First, 28. H. 8. C. 13. by which the *Canons, &c.* which to that time had been made (several of which were *about Marriage*) are Ratified and Confirmed, as far as they are *not contrariant to the King's Laws, &c.* or to the *hurt of his Prerogative-Royal.* Next the two Acts of Uniformity ; both which do Establish our *Liturgy* ; and thereby make the Office of *Matrimony* therein contained, the only Legal Rule for joining Persons together in *Marriage.* And, lastly, 10 Car. 1. Sess. 2. C. 21. which makes it *Fellony* for one, who is *Married*, to *Marry* again, *The Former Husband or Wife being alive* ; Excepting such cases as in the said Act are mentioned. And because it is a material thing in this part of our present Controversy, to know whom the Law of that Land would adjudged to be *Married* ; and whom not, I

shall

shall put a case upon this Statute. Suppose a Man being Indicted of *Felony*, for *Marrying* a second Wife, the Former being known to be alive, and Undivorc'd, should Plead and Prove, that to one or both of these Pretended Wives, he was not Married according to the Form prescribed by Law; but only, that they took one another according to the *Presbyterian Directory*; and therefore, that [in Law] he could not be look'd upon as *Married*; and consequently did not come within this Statute: I demand, would any Judge determine; that to be joined to a Woman, according to the *Presbyterian Directory*, was to Marry within the intent of this Statute? And would he upon this, direct the Jury to find the Man Guilty of the Felony, and if he could not Read, pass Sentence of Death upon him? I Confess it is my Opinion, that no Judge would Condemn a Man to Death in such a Case as this. And since to *Marry*, or to be *Married* [in the Language of the Law] must always signify the same thing; if Persons joined together by the *Directory*, or any other Form not Established by Law, are not to be reputed as *Married* according

according to the meaning of this Statute; What reason is there, why they should be look'd upon as Married, with Relation to any other of our *Civil* or *Temporal Laws* whatsoever? if it be said, that he who *Marries* two Women at once, according to any Form whatsoever, deserves to be Hanged; I grant it: For indeed, he deserves a greater Punishment, namely Eternal Damnation. But the Question here is not what such a Man justly deserves; But what is the meaning and intent of this Statute, and consequently of the rest of our Temporal Laws, when they speak of *Marriage*, or of Persons being *Married*.

Sect. 26. And now let us take into consideration the Statutes he mentions, with his Observations upon them. The First is, 33. H. 8. Sess. 1. C. 6. Which Enacts, that *Marriages between Parties not prohibited by God's Law to Marry, being Solemnized in the Face of the Church, and Consummated with bodily knowledge, &c. shall be taken for Lawful and Indissoluble, &c.* Here he observes, that the only requisites to a *Lawful Marriage* are. First, That it be not contrary to *God's Law*. Secondly, That it be in the face of the Church (by which, not the



the Place, but the Members of the Church are to be understood; nor is any mention made of Priest or Person that shall Solemnize it) and Consummate : All which things, he says, are to be found materially in their Marriages. I answer, First, that that part of this Statute, which he argues from, seems not now to be in force, and consequently that no Argument, in Point of Law, can be drawn from it : For, whereas the whole Statute was Repealed in the Reign of Philip and Mary, it is expressly Enacted (2 Eliz. C. 1.) that so much only of the said Act, as doth touch and concern Degrees of Consanguinity may stand and be Revived. Secondly, supposing this whole Act had been then Revived, yet, it is very possible that the Acts of Uniformity, may now make something more necessary to a lawful Marriage (*viz.* lawful according to the Law of the Land) than what was then required. And Thirdly, I am of opinion, that the Laws of the Land, were never designed to be interpreted by the Disputes of Divines, concerning the Church or the things required to constitute a Church, and that by the Church [in the Law] is always, and only to be understood, the Church

*Church by Law Eſtabliſhed.* And if a meeting of Perſons, not only without Authority of *Law*, but even contrary to it (as the *Presbyterians Meetings* are) may in a Court of *Common Law* (for there lies the Scene of this part of the *Controversy*) be Pleaded to be *the Church*; because (as if pretended) it has the *Essentials* of a Church; the *Lawyers*, must upon ſuch occasions, withdraw; and the *Divines*, with their Books, must be admitted to the Bar, as often as *Presbyterians, Independants, Anabaptists, Quakers, &c.* have occasion to put in this Plea for themselves.

Sect. 27. The next Statute he quotes is, 17, 18. Car. 2: Sess. 5. C. 3. By which, ſuch *Marriages* are confirm'd, as had been made according to thoſe Rules that were Preſcribed by the late *Usurpers*, from *May, 1st. 1642.* The caſe of which, to me ſeems plainly to have been thus: Whereas, by the *Law of God*, no more is required, as *Essential* to *Marriage*, but only a *Matrimonial Covenant* between Perſons not Prohibited, by the ſame *Law*, to Marry: But yet, for the preventing of many and Great Evils, it is the Duty of every Church and State, to make certain  
Laws

Laws and Constitutions about Marriages;  
 As I have shewn at large in my Introduction. And whereas the Laws and Constitutions, which in that case had been made, in this and the Neighbouring Kingdom, had for some Years been over-ruled and laid aside by an Unlawful and Usurped Power; and instead thereof, other Rules and Forms, not only appointed, but also obtruded and forced upon the Nations; whereby it came to pass, that the Generality of the People, must either loose the benefit of this Ordinance of God, or else submit to be Married in such a manner as was then (tho' contrary to Law) required. And lastly, Whereas the Essentials of Marriage (according to God's Law) had never been laid aside, even by the Usurpers; all Persons that were Married, being, by them, obliged to enter into a Matrimonial Covenant for Life, it was thought reasonable, by the wisdom, both of this Kingdom, and that of *England*, after our Government and Laws were again restored; not to make that a Crime, or bring it under any notable inconvenience, which most People had been *compelled* to, by the necessity and iniquity of those

those times : And therefore they pass an Act, both here and there, to make all such Marriages, from *May, 1st, 1642. as valid in Law, as if the same had been Solemnized according to the Rites and Ceremonies of the Church.* But because such Marriages, *as necessity forced Men to Solemnize contrary to Law,* were afterwards, by a special Act, pass for that purpose, made good and valid in Law ; will it follow from hence, that Marriages in the like manner Solemnized, when there is *no pretence of necessity* for it, are [in Law] to be accounted alike valid ? If they were so without this Act, and if our Law-makers had Judged them so, this Act would have never been thought necessary : But if the design of this Act had been to make them so, it must have been worded in a more comprehensive manner, and not confined to a certain and limited time ; as it expressly is. On the contrary, since our Law-makers thought it necessary to make a *Particular Law* for the Ratifying and Confirming of such Marriages ; and since this Law is *expressly* confined within the bounds of a certain time, I think it will follow, that (In the Opinion of those Law-makers, who  
certainly

certainly were Authentick Judges of the Law) such Marriages it not Solemnized within the said time, are not valid in Law, Whatever they may be in Conscience, and before Almighty God.

Sect. 28. The last Statute which he quotes, pag. 53. is, 9. *Genl.* 3. C. 28. From whence he draws (in spite, not only of Logick, but of Common Sense too) these following Inferences.

First, From these Words of the Statute [*if any Protestant Minister, Popish Priest, or any Person whatsoever, shall join in Marriage*] he infers that *Protestant Ministers, Popish Priests, or other Persons* (he should not have left out the word *whatsoever*) *do join in Marriage*. I answer, that other Persons than what are Empowered by Law, do take upon them to *Join Persons in Marriage*, we all know, but that they do this lawfully, or have any lawful power so to do, or that any *Persons whatsoever*, may lawfully take upon them to join people in Marriage, is too wild a thing to have been declared or intended by the King and Parliament, or for any Man but our Author to infer from these words of theirs.

Secondly,



Secondly, says he, These Marriages (*viz.* Solemniz'd by any Person whatsoever) are not declared null by this Statute. What then? Does it follow, that a Marriage is Good (whatever all the rest of our Laws say) because it is *not declared null by this Statute*? But, says he, if the Marriage were null, it were severe to inflict such Penalties upon the Parties Marrying—and the Law would not punish them but as Fornicators. I answer, that it may, and it seems to be the design of this Act, to be severe upon all those who transgress it; and to make all Marriages (whether otherwise lawful or unlawful; null or valid) that are made contrary to this Act, to become lyable to the same Penalty; whatever other Punishment some of them, on account of their Nullity, may possibly be subject to: But, he adds; *It would be also hard to punish the Protestant Minister* (he ought to have added the Words of the Act, *or OTHER PERSONS*) *for Joining in Marriage; if it be null and no Marriage.* Why so? I pray: If a Man joins a Couple together in Fornication, (however it be called a Marriage) is it hard that he should be punished for it?

Thirdly,

Thirdly, He says, *the Marriage is the same* (let all the rest of our Laws say what they please) *be it Protestant Minister, Popish Priest, or other Person* who Solemnizes it. Why so? Because, by this Act, *the Penalty is the same* : Then it seems, (according to this Author) that our Law-Makers have not the Power to Appoint *the same Penalty* for Crimes that any way differ one from another.

Fourthly, *What is not forbidden by the Law*, says he, *is permitted* (*viz.* by that Law which does not forbid it;) I grant it; if by *Permitting* no more is understood, than *not forbidding* : But, if by *Permitting*, is meant, *Approving or Countenancing*; a Law may not *forbid* a thing, and yet neither *Approve* nor *Countenance* it. *This Law* (*viz.* this particular Act of Parliament) then, says he, *prohibiting only certain Marriages, in the Act specified*; therefore, we think, it permits in other Cases *not there Prohibited* : By which, if he means only, that this particular Act of Parliament forbids nothing but what it forbids, it is True indeed, but no great Discovery; but if his Meaning be, that this

Act Approves or Countenances all Marriages which it does not forbid; or, that the Law of the Land forbids no other sort of Marriage but what is forbidden by this Act. I must begg his Pardon if I do not believe either of these things, until I see them better proved. And if this is a good Plea for a Presbyterian Minister, to Join Persons in Marriage, because this particular Act does not forbid him: It will hold as well for a Porter or Scavenger to take the same Office upon him; the latter being no more forbidden by this Act than the former.

Fifthly, says he, *Marriage by Papists holds Good; And why not by Protestant (viz. Presbyterian) Ministers?* I answer, If the Law has Determined, that the one *holds good* and not the other; it is enough; (I mean with respect to the Law of the Land only) altho' both these Marriages do *hold good* (that is to say, are binding) in the sight of God. But how far Marriage Solemnized in this Kingdom, according to the Ritual of the Church of Rome, and by a Romish Priest, will hold good in Law, I will not take upon me to

Deter-

Determine : But yet am of Opinion, that neither that, nor any other Illegal Marriage ought to have any force or effect in Law (I mean the Law of the Land) until such time as, by the proper Judge, appointed by Law to take Cognizance of such things, and upon such Grounds as the Law will Warrant (if any such there be) it be Pronounced valid : For if this be not so, All humane Laws about Marriage (the necessity of which, I have shewn in my *Introduction*) are immediately Cancelled. And, if two Persons that live in Fornication, do but pretend that they are Married; if the Law has appointed no Person to Determine who are Married, and who not; or no Rule for such Person to frame his Judgment by; they will be in as good a Condition, with respect to the Law of the Land, as if they had been Married : And on the contrary; if a Man should have a mind to turn off his Wife, and bastardize his Children; I see not what remedy the Law (without such a Judge and Rule) could afford either to her or them?

Sixthly, He tells us that *Legitimacy of Marriage ought to be first moved in the*

*King's Temporal Court ---- and then Transmitted by the King's Writ to the Ecclesiastical Court.* I answer, This is True, where a Suit is commenced in a Temporal Court; and a Controversy therein arises about the validity of a Marriage, which no Temporal Court with us has Power to Determine: But does it follow, that therefore Persons not lawfully Married; yet living together, as Man and Wife, are not to be punished, or so much as question'd by the Ecclesiastical Court? Or, even a Porter who should impose upon silly People; and take upon him to Join them in Marriage, (*for by the Law of the Land* he has as much Power to do it as a *Presbyterian* Minister) should not by the same Court, be called to an account for so doing? And let the Reader observe what a gap this man would open to all manner of Licentiousness: For if, as he pretends, the Ecclesiastical Court has no Cognizance of the lawfulness of a Marriage, until it be *transmitted* thither from the *Temporal Court*; then wicked Persons may live in Fornication, Provided they do but say they are Married; and Men may inveigle Women



men into a pretended Marriage, with a design to turn them off at pleasure; and yet escape all punishment from the Law of the Land. For, as our Laws now stand, the *Temporal Courts* have no Cognizance of these Cases; and according to our Author; wherever the Question is concerning the *Legitimacy of Marriage*, it ought to be first moved in the *Temporal Courts*.

But, says he, *Administrations*, &c. have been granted to *Widows*, &c. upon our *Marriages*: And they have had other the same effects in Law, as if they had been *Solemnized according to the Rites of the Established Church*. I answer, that where an Administration is desired, or a Dower or Inheritance Sued for; if no Body appears to contest the Marriage, upon which such *Desire* or *Suit* is grounded, it is not the business, either of the Temporal or Ecclesiastical Court, upon such an Occasion, to call it in question: But let an issue be joined upon the validity of a Presbyterian or a Popish Marriage; and then it must be inquired what the Law will Determine concerning them. But supposing that they should be found to be valid in Law

(which to Determine, is none of my business) yet still it will not follow, but that the Persons, both Marrying, and Solemnizing the said Marriage, may justly be punishable for their Irregularity.

He concludes this Point, with the Account which the Reverend Bishop Burnet gives of a Case that came before that Great Lawyer, and Good Man, Sir Matthew Hale. *A Quaker was Sued for some Debts owed by his Wife, before he Married her; His Counsel Pleaded that no Marriage (viz. in Law) had pass between them, since it was not Solemnized according to the Rites of the Church of England. Sir Matthew declared he was not willing, on his own Opinion, to make their Children Bastards; And gave directions to the Jury to find it Special; which they did. And this Proceeding of Sir Matthew's Bishop Burnet approves of and Commends. Where, says our Author, you see the Judgment of a great Lawyer; learned Bishop; and just Jury of the Church of England, Declaring the lawfulness of Marriages, tho' Solemnized by those who Dissent from the Established Church. Now, upon what Ground our*  
 Author

Author so confidently affirms, that the *Jury* were Men of the Church of England, I know not; for almost all *Dissenters*, except *Quakers*, do serve upon Juries; nor should he have given us his word for these Mens Religion (however just he may think them) except he had been himself well assured of it: But because the Authority of the other two great Men, may, and justly ought to weigh much in this, as indeed, in every other Matter; I shall begg the Reader's Patience, while I make a few Observations upon this Case; as our Author, from Bishop *Burnet*, has laid it before us.

First then, The very utmost that Bishop *Burnet* says of Sir *Matthew Hale* is, that he *thought all Marriages, made according to the several Perswasions of Men, ought to have their effects in Law*; That is to say, It was his Opinion, that the Law ought to be so framed; that Marriage, in what manner soever Solemnized; yet, if it had all that the Law of God makes Essential or Necessary to Marriage, should be good and valid in *foro externo*, as well as before God. But the Question now be-

fore us, is not what Laws of this nature ought to be made; but whether the Law with us is so made and framed already: and yet I cannot but think, that whosoever considers fully the many Inconveniences and Evils, that would almost unavoidably follow and break in, if the legal Solemnizing of Marriage were left to the uncertain humour of every Sect and Parry that should arise; (and why not, by the same Rule, of every private Person?) Whosoever, I say, fully considers this matter, as I have set it forth in my Introduction, (Sect. 4. 6. 9. 10. 11.) will hardly, I believe, come up to this Opinion of Sir *Matthew Hale*, if really it were (so explicitly) his Opinion, as Bishop *Burnet*, from a doubtful Passage, seems to collect.

Secondly, That the Law of *England* did not Ratifie and own *Quakers* Marriages as good and valid, seems plainly to have been the Sense and Judgment of this *Great Lawyer*: For (as our Author quotes the Bishop's words of him) *He declared he was not willing, on his own opinion, to make their Children Bastards.* Which plainly shews, that his own opinion was, that



as our Law stood, the *Quakers* Marriages were [in Law] no Marriages. But this being a Point which probably never had been brought to a Tryal; and the consequence of it being of great moment, *viz.* the Bastardizing of all their Children; *He was not willing, on his own opinion* to determine the Matter: To avoid which, he thought he had no better way, than to direct a *special Verdict* to be brought in upon the Tryal; that so the Point might be farther Debated and Considered by the Judges.

Thirdly, That Sir *Matthew Hale* did not upon this occasion, *declare the Lawfulness* of such Marriages, as our Author not only positively, but pompously affirms, appears very plainly; not only from the profound silence of the story, touching any such thing, but also from the Direction which he gave the Jury. For if he had *declared such Marriages to be lawful* (*viz.* according to the Law of the Land, for that is the Law we are now speaking of) there had been no manner of Room or Pretence for a *Special Verdict* upon this Occasion.

Fourthly,



Fourthly, if Sir *Matthew* were now alive ; and he or the Bishop were to frame a Law concerning such Marriages as these ; I doubt not, but they would order it so, that these Marriages should first be Examined and Approved by some Person by Law appointed for that purpose, before they were to be allowed as Good and Valid : For if this were not taken care of ; any Persons might, to serve a turn, pretend they were Married, tho' really they were not so. And (as I have already said) without some appointed *Judge* and *Rule*, for the Trying of such things, how can any Court of Justice reject such a pretence, tho' never so false ?

Fifthly, our Author positively affirms, that the Jury *did find Special* (*which they did*, says he,) nor do I deny but it is probable that they did so. But since he undertakes to tell this Story of Sir *Matthew Hale*, as we have it in his *Life Written by Dr. Burnet* : And since, there, we are not told what the Jury *did*, but only what they were *Directed* to do, our Author should not have added this Matter of Fact, only for the sake of Alleging the  
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Authority of the Jury, in Behalf of Illegal Marriages (see the *Life of Sir Matthew Hale*, pag. 139.)

But, suppose the Jury had found *Special*; as our Author affirms they did; Was this to declare the lawfulness of the Marriage then in Controversy? Or how would this Man impose upon the World? as if every one almost, did not know that a *Special Verdict* is no more but a *Declaration* of the bare Matter of Fact; leaving the Matter of Law (of which the Jury are supposed to be ignorant) altogether to the Judges. Nor does it appear, that either Sir Matthew Hale, or any other Judge, did ever determine this Point of Law in favour of the Quakers.

SECT. 29. Having thus (as he imagines) gotten the Civil, or Temporal Laws of the Realm on his side; He Proceeds, pag. 94. to try the strength of the Ecclesiastical Laws or Canons. And here he would have us to understand, that their not paying Respect and Obedience to the Canons and Constitutions of the Church of Ireland, is no Demonstration of the want of the fear of God before their Eyes, because their fear  
of

*of him is not taught by the Precept of Men,*  
 Isaiah 29. 13. There's a Text of Scrip-  
 ture for you! and the business is done;  
 No matter whether it be rightly applied  
 or no. But he that *fears God* truly; and  
 whose *fear* arises from a right Principle;  
 Is he not bound to give Respect and  
 Obedience to all Laws which are made  
 or confirmed by Lawful Authority, Pro-  
 vided that they require nothing that  
 is contrary to God's Law? And if so,  
 then he ought to have shewn, either that  
 our Ecclesiastical Laws, now in Dispute,  
 have no lawful Authority to support them;  
 or else, that they require something that is  
 contrary to God's Law: And, until the former  
 of these be done, I see not how the Text,  
 he quotes, can be applied to us. He goes  
 on, and tells us, that *Divine Canons* (that  
 is to say, *the word of God*) *they are bound*  
*to regard*; But he lays it down for a Rule  
 without any Exception; that *where Men*  
*require any thing of them contrary, OR*  
*BESIDES, the Canons Written in the*  
*Holy Scriptures, the true fear of God will*  
*not permit them to regard or obey that*:  
 But how does he Prove this? No matter  
 for proof! He has said it; and that is e-  
 nough

nough. Let then the Established Church, and Civil State, make what Laws and Rules they please, and have them Confirmed by the Royal Assent; nay, and let them contain nothing *contrary* to God's Law; yet our Author assures them, that he and his Party, will neither *Obe*y nor *Regard* Canons, nor Acts of Parliament, nor any thing BESIDES the Canons written in the Holy Scriptures. Excellent Doctrine! And to be encouraged by the Government.

But he seems to own, *pag. 55.* that *Humane Canons or Constitutions*, do oblige *as far as they Edifie the Church*. And if so, then, according to him, they oblige as much as any Humane Law whatsoever: For he expressly declares, *pag. 51.* that *Humane Laws are SO FAR Obligatory, as they are Edifying*. But (as I have shewn, *Sect. 24.*) except he tells us who is to Judge, whether such a thing be *Edifying*, or not, he had as good have said nothing.

The *Canon-Law*, as it stood before the *Reformation*, is still in force in this Kingdom, except in such instances as it has been Repealed or Altered in; and therefore in our Ecclesiastical Courts it is still [so far] the Rule



Rule and Measure of their Proceedings. Our Author therefore, to shew that no obligation can lye upon any *Protestant* to regard or obey this Law, Produces, pag. 55. &c. thres long Quotations from *Dr. Godolphin*; *Marc. de Vulson*, and *Mr. Pryn*, only to prove what no *Protestant* denies, that it was a meer *Usurpation* of the Pope, and an *Encroachment* upon the Lawful Power of Kings and States, for him to presume to Obtrude and Impose Laws upon them and their People; being not Endowed with any sufficient Authority so to do.: From whence he would infer, pag. 59. that *these Canons and Constitutions* (*viz.* of the Canon-Law) *having neither Divine, nor Lawful Humane Authority, &c.* can never oblige the Subject to obedience. To which I answer.

First (in the words of *Dr. Godolphin*, which our Author quotes and approves of, pag. 55. 56.) *These Ordinances* (*viz.* of the Canon-Law) *had not their force by any Authority, that the Court of Rome had to impose Laws upon all Nations, without their Consent; but by the approbation of the People, which received and used them.* (which is well



well known to be the only ground of a great part of our Temporal Laws also.) And for this, he gives an unanswerable reason; namely, that the Constitutions of the Canon Law, *were not entirely and absolutely received in any Part of Christendom*: And, says he, *by the same reason, whereby they might reject One Canon, they might reject all the Other.*

Secondly, by an Act of Parliament made in England, 25. H. 8. C. 19. It is *Provided, that such Canons, Constitutions, Ordinances, and Synodals Provincial, being already made, which be not contrariant nor repugnant to the Laws, Statutes, and Customs of the Realm, nor to the damage or hurt of the King's Prerogative-Royal, shall still be Used, and Executed as they were afore the making of this Act, till such time as they be viewed, searched, or otherwise Ordered and Determined, &c.* Which Act, tho' Repealed 1st and 2d Ph. and M. C. 8. Yet being again Revived in the Reign of Queen Elizabeth, 1. El. C. 1. stands still in force; and gives as much Authority to the Canon-Law, under the above Limitations, as the Supreme Legisla-

Legislative Power of the Kingdom could do (of which our Author, who, *pag.* 59. in his quotation out of Mr. *Pryn*, refers us to this very Statute, could not well be ignorant) and the like Provision having been made for *Ireland*, in a Clause of the Statute, 28. *H.* 8. *C.* 13. which still stands good; The Canon-Law, by virtue of that Clause, is of as much force here, as it is in *England*. And these two things being considered (the former whereof sets the *Canon-Law*, upon a Level with the *Common Law* and the other adopts it into the *Statute Law*) I cannot but admire that any Man, who has the least Sense of Truth or Modesty, should so roundly tell us (as he does *pag.* 59.) that *these Canons and Constitutions have neither Divine, nor Lawful Humane Authority.*

Thirdly, Whereas in the times of *Pope-ry*, divers corrupt, Superstitious, and Idolatrous things had been obtruded upon the Church; and were in a great measure, upheld by the *Canon-Law*: All this Corruption, Idolatry, and Superstition, together with so much of that Law as upheld the same, is amongst us wholly abrogated

brogated and taken away by those good Laws that have been made in these Kingdoms, for the Reformation of our Church, in Doctrine, Worship, and Discipline : So that, at this time, no part of the Canon Law is of any force with us, but what is agreeable to our Reformation by Law Established, and, consequently may, with a good Conscience, be submitted to by every sober Man ; altho' for the better understanding of our Ecclesiastical Laws, it were to be wished, that a compleat body of them (such as was designed, first, by K. H. 8. and afterwards by K. Edw. 6. under the title of *Reformatio legum Ecclesiasticarum*) were drawn out, and published by Authority.

But says our Author, pag. 60. *the Clergy promised never to Enact or Execute any new Canons without the King's Consent* : It is true, they made, in England, such a Promise; and both they and their [lawful] Successors have performed it. But must this hinder them or us from putting such of the Old Canons as are Confirmed by Act of Parliament, in Execution ? Nor do we tax any Protestant with want of the fear of God before his Eyes, for slighting and Disobeying

*beying Popish Constitutions* (as our Author unjustly charges us,) but for refusing Obedience to lawful Authority, (Commanding nothing but what is lawful) to which we are bound to be subject *for Conscience sake*, Rom. 13. 5.

Sect. 30. Out of the body of the Old Canon Law; together with some few Additions thereunto, a Collection of *Canons* is made, comprising such things as are supposed *most ordinarily* necessary to be known and practised in our Church; which our Author, *pag. 60.* does not deny to be *approved of by the Laws of the Land*, agreed upon at Dublin by the *Archbishops, Bishops, &c.* Anno, 1634. and Ratified by his Majesty, as the *Canons of the Church of Ireland*. Well then! What reasons can they give why they *disobey* these *Canons*? He offers no less than Five.

First, He says, that *these are not the only Canons that they are required to Obey*: What then? because Obedience is required from them to other *Canons*, which they [falsely] suppose to be contrary to Law; is this a good reason for their Disobedience to these *Canons*, which he owns to be *approved of by the Laws of the Land*?

Secondly,



Secondly, He tells us, that *the greatest part, by far, of the Clergy of Ireland, Preach Doctrines QUITE CONTRARY to the Articles of the Church of Ireland : And therefore,* says he, *may more easily pardon us for noncompliance with their Discipline and Ceremonies.* To which I answer, That the best name that I can give to this Recrimination is, that it is a most shameless Calumny; nor would any Man that had the least tenderness in his forehead, tho' he had none in his Conscience, have publickly charged *the greatest part, by far, of such a body of Men as the Established Clergy are, with such profligate and gross hypocrisie and prevarication, as Preaching Doctrines quite contrary to the Articles* (he does not say to one, or two; or how many of the Articles; but, generally, and indefinitely *QUITE CONTRARY to the Articles;*) to which it is known they have, every Man, subscribed; without offering to name so much as one of these same *Doctrines*, or any one of our *Clergy* that ever *Preached* it. Pardon me Reader, if I have spoken warmly upon this Occasion; for I think it ought to move the Resentment of every Man who has any concern for our Church or Reli-



gion, to hear the generality of our Clergy, without any proof or shadow of an instance, thus branded, and slandered by one who calls himself a *Minister of the Gospel* : But still, what is this to the purpose? If any of the Establish'd Clergy are such ill Men as he would represent them, they ought to be punished : But if one Man's fault is a good Argument for another's Impunity, the consequence, if drawn to its length, will be the unbending, and in effect, the Cancelling of all our Laws.

*Neither, Thirdly, says he, do they themselves, who impose these Canons on us, observe them much better than we. Do not they so? Why then they ought to be punished by the Government : But still (as I have just now said) the fault of one Man is no good Argument for the impunity of another. But how does he prove that they do not observe them? Why, he gives you his Word for it; and tells you it is tolerably well known; and is not this enough from a Person of his Exactness and Sincerity in every thing which he has hitherto alleged? But he Points out the very Canons which he says are not observed! He does so indeed : But every one of these*  
 Canons

Canons consists of several Clauses; nor does he tell us which Clause or Part of each Canon it is, or whether it be the whole Canon that we do not observe: In a word, whenever he shall think fit to bring a particular Charge against the Clergy of the Established Church, let him not doubt, but he shall receive a particular Answer. In the mean time, as we all (to a Man) deny the Charge which just now he brought against us, with relation to our Articles; so, to give every impartial Reader fair satisfaction, touching these our Canons; I shall entreat him to take notice of these three Things.

First, That all the Cannons of our Church; which in the present State of things, are capable of being observed; either are actually observed, or wherever they are not so, if Complaint and Proof be made to those who have the Ecclesiastical Jurisdiction in their hands, the Persons who ought to observe them (I mean the *Established Clergy-Men*, for of those only, we are now speaking) and do not, will be Proceeded against, and Punished.

Secondly, That all our Canons are framed and made fit for a *well settled Church*; And

that for this reason, that as fast as any part of this our National Church, should become so settled (as in time, we hope in God, it all will be) the said Canons may immediately there be observed, and no occasion be for any alteration in them : And if by reason of the iniquity of the times, and unsettledness of some Parts of this Kingdom (*viz.* where with our utmost industry we cannot get Churches built, where the Inhabitants are very few, remote and scattered ; or it may be, Obstinate Papists, Sectaries, or Dissenters ; or where Three or Four, or more Parishes, by reason of impropriations, or other Incidental Causes, will not give Bread to one Incumbent : If I say, in these or the like Places and Cases) our Canons are not, nor indeed can be observed by us, according to the letter ; a Charitable and Candid Man would never, in this case, lay the fault of what we cannot [yet] help upon us ; especially when he considers, that the likereasons have, in many times and places, so far prevailed, as, for a while, to suspend the observation and execution even of *Temporal Laws*.

Thirdly,

Thirdly, That there is a great difference, between not doing what the Law directs on the one side; And despising the Law, and acting in a wilful opposition to it on the other: The former of these, may sometimes be a case of necessity, and therefore Excuseable; but the later (for which it is that our Author so earnestly pleads) can never be justified; excepting, only where a Humane Law requires something that is contrary to the Law of God.

But, says he, *There be divers of these Constitutions, which we are not able to reconcile with Reason and Religion*: And Bishop Taylor in his *Ductor Dubitantium* (But where he does not tell us) concludes, that *Matters of Intolerable Burthen, are not the Matter of Ecclesiastical Laws*. But what these Allegations, without any instance or proof, are designed for (except to amuse the Readers of his own party) I am not able to find out.

Fourthly, he tells us, pag. 61. That *these Constitutions give no Account of what makes Marriage Glandestine; nor do they declare Glandestine Marriages void; or inflict Punishment on any for Irregular Joining in Marriage, save on the Establish'd Clergy*. I an-

swer, that if neither these Constitutions, nor any other of our Laws, do sufficiently Rule these Points, let the *Presbyterian* Ministers enter that for their Plea, when they are Prosecuted ; And if there be no Law to Punish them, they must be discharged of Course.

Lastly, He endeavours to shew, that *the Kings, and Queens of England and Ireland, may justly Dispense with these Canons Ecclesiastical* ; And pretends, that *her present Majesty* has in effect Dispensed with them, as far as concerns her *Dissenting Subjects in Ireland* : To which I have already returned a sufficient Answer, in my First Chapter, *Sect. 12.* And therefore need say no more here to it.

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## CHAP. V.

*Sect. 1.* **H**Is Fifth and last Chapter begins with laying to the Charge of *our Irish Canonists* (by which, I suppose, he means the Ecclesiastical Judges) that they *Labour to tie Contradictions together in a string, viz. First, In Accusing the Presbyterian Ministers of Solemnising Marriages Clandestinely;*



*destinely* ; And yet Proceeding against the people (whom, by the Accusation against such Ministers, they implicitly own to have been *Married tho' Clandestinely*) as not *Married* ; but *guilty of the damnable sin of Fornication* : The former of these things was before objected by him, *pag. 47.* And I have given an Answer to it, *Chap. 4. Sect. 21.* And concerning the latter, I have already spoken my Sense both fully and freely : In my *Introduction, Sect. 25, 26, 27.* But for the *Contradiction*, which he pretends to be between the two Accusations, it is only in Appearance, and not in Reality, for, to say, that a *Presbyterian Minister*, has Solemnized Marriage otherwise than the Law allows, and without any Power by Law given him so to do, and therefore is justly Punishable for his Offence committed against the Law. And then again to say, that Marriages after this manner Solemnized, are by the Law reputed as no Marriages at all, are things (whether true or false, yet) very consistent. Suppose that a Man being Indicted according to the words of the Statute, *10. Car. 1. Sess. 2. C. 11.* for *Marrying another Woman, his former Wife being alive, and Undivorced*, should Plead, that the thing laid

to

to his Charge was impossible, and a plain *Contradiction*: For that as long as his Wife was so alive, there could be no Real Marriage between him and any other Woman, and consequently, that he could not be said to have *Married* another Woman; would such a Quirk, as this, be looked upon, and allowed as a reasonable Plea? And, yet this is almost the very same thing that our Author here urges; and has plainly as much weight in it. In a word, the Fallacy is solved, by observing only that it is ordinary upon some occasions, to speak of a *pretended thing* in the same Style; and to use some of the same expressions about it, as if it were Real, and yet without any Design of owning the *Reality* of it.

Sect. 2. But says he, If the Parties Accused, come to the *Officials Chamber*, and Compound with him, Money will not only Purge them from the *Damnable Sin* of Fornication; but Ratifie that Marriage which they declared to be a Nullity, pag. 63, 64. I answer,

First, That in such a case, to require the Common Fees of the Court; and (at the request of the Party who has broken

(as

(at least) the Laws of the Land) to take Money by way of *Commutation*, to be applied to some Pious or Charitable use, is no more; than what the Law allows, and is no way contrary to the Law of God.

Secondly, If any Official takes Money, upon any other Account, for the stopping of Proceedings against such a Delinquent, he is Guilty of Bribery; And, if complaint and Proof be made against him, he will be Punish'd, and Oblig'd to make Restitution.. But I must Confess, that our Author has not gained such Credit with me, as that upon his bare word I can believe so foul a thing of any one of them; And much less, that it is a Common Practice with them, as he seems to insinuate.

Thirdly, How far an Ecclesiastical Judge (or other Person in Authority) may think it necessary to forbear the utmost Execution of the Law, against a Numerous Party of Men, especially, if he apprehends them to be Men of a violent Disposition, And therefore, how Excuseable it may be a little to connive at the Northern *Presbyterians* Disobedience to the Laws of the Land, concerning Marriage, as well as in some other cases, and so to suffer

suffer those who once make Proof, that a Matrimonial Covenant has past between them, to Live together without farther Molestation, I shall not take upon me to Determine : But to *Ratifie a Marriage* is not only to Connive at it, but expressly to allow it as good and valid to all Intents and Purposes. And that any *Officials*, in this Kingdom, have ever, for *Money, Ratified that Marriage which they had declared to be a Nullity* (which in those very words our Author lays to their Charge, as if it were the Avowed Practice of them all) I will then believe when I see it sufficiently Proved : And in the mean time, must Despise it as a Calumny that could only proceed from want of thought as well as sincerity.

Sect. 3. But, says our Author, *Left the World think me Calumniate, he pleased to read the Indictment, &c.* And here he sets down some part of the Articles, which are commonly exhibited against such as are Accused of Fornication : But how does this acquit him of *Calumniating* ? or what proof is it, that the *Officials*, for *Money*, do *Ratify even that Marriage which they had declared to be a Nullity* ? I have already said,

*Chap.*



*Chap. 1. Sect. 7.* that where Persons live together as Man and Wife; and do not appear, to the Law, to be Married; they cannot (in Law) be distinguish'd from Fornicators (and therefore must be Proceeded against as such) until they shall make sufficient proof of their Marriage: And while the Ecclesiastical Judge has no evident Ground, sufficiently made out in Law, upon which, to found a distinction, why should not all Persons, accused of the same Crime, be proceeded against in one and the same Form, as is known to be done; and never excepted against, in the Temporal Courts?

*Sect. 4.* But, instead of Vindicating himself from the Sin of *Calumny*, he proceeds to Accuse the Ecclesiastical Courts; and makes a most tragical (or rather indeed, a most comical) out-ery, because these Articles (or Charges as he calls them) which are exhibited in the Court, are in *Latin*; which he looks upon as a ground to Judge the Clergy Barbarians, if not barbarous; and affirms, to be far more unreasonable than *Papists praying in an unknown Tongue*, pag. 64. To which ridiculous stuff (fit only to amuse the silly Mob) I answer, that if the Party



ty accused retains a Proctor, he will Interpret the Articles for him : But if he be not able to do that, and so is forced to manage his own business himself, and sets forth to the Judge, that he neither understands Latin, nor has any friend that can or will tell him the meaning of the Articles, I doubt not but every Judge, in such a Case, will take sufficient care that the Person accused shall be well informed of all the particulars, to which he is required to make answer, and then, what ground is there for a Complaint that the Stile of the Court runs in the Latin Tongue? God, indeed, as our Author truly observes) *knoweth Latin Prayers*; but the reason why we (or the Scriptures) disapprove of such *Prayers* in the Church of *Rome*, is only, because they who offer them up, do not understand them; and therefore the hearts of the People, who are ignorant of that Language, cannot go along with their lips, nor with the lips of the Priest, in such Devotions as these : And tho' (as he farther tells us) *poor Country people know not Latin Admonitions*; yet since it is so easy for them to get them explain'd into English; and that time e-  
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nough for them to return their Answer; they have no reason to find fault with the Language they are couch'd in. And a Man that cannot read; or that is unacquainted with the *Court* or *Chancery-hand*, may as well complain that he is served with a *Subpena* out of the Chancery, in a strange or unusual Character; or that a Bill in *Writing* is there preferred against him, he having never learnt his Letters; as another, who understands no Latin, find fault that Articles, in that Language, are exhibited against him in the Ecclesiastical Court.

Sect. 5. But our Author, pag. 65. complains that they are not told what sort of Fornication they are accused of, viz. whether it be *Spiritual Fornication*, that is to say, *Idolatry*, or *Carnal*; or, if it be *Carnal*, whether it be generally any gross uncleanness, as *Adultery*, *Incest*, or the sin of *Sodom*; or whether it be more strictly *Stuprum*, or *Fornication*, so called from *fornax* (he should say *fornix*) a *stew*; or lastly, whether it be the *Incontinence* spoken of, 1 Cor. 7. viz. a want of Ability to contain, or abstain any longer from the lawful Pleasure of Marriage. Ridiculous! Does any one imagine, that

Fornication,

*Fornication*, in the Articles, can signifie *Idolatry*, especially when both the Mans and Womans Name, that are accused of the Crime are inserted? And is it not as plain as may be, that nothing else is meant by it, but the carnal Copulation of Persons not lawfully Married? What strange stuff is this to amuse the poor ignorant People with?

Sect. 6. But, to Prove that they are Innocent of the Sin of Fornication, he offers, pag. 165. Ten several things to be consider'd; to which I need return no other answer, but that the main Pillar, upon which he Builds them, pag. 66. viz. that the Sentence of the Court against them, is Built upon this Supposition; for one, that *Clandestine Marriage* is null before God, is a most False and Disingenuous Allegation; as will appear to the Reader, if he pleases to look back to my *Introduction*, Sect. 25. &c. And this, without more ado, shews the Weakness and Impertinence of his First eight and Tenth Considerations. And for his Ninth, it is abundantly obviated in my *Introduction*, Sect. 19, &c. And however, a Marriage, otherwise made than the Law allows, may

may be valid and obliging *before God* ; Yet the *Law of the Land* must necessarily look upon all Carnal Copulation between such Persons, to be no less than *Fornication*, until *Legal Satisfaction* touching their Marriage be made to the Publick.

SECT. 7. And now, pag. 68. he draws to a Conclusion, which he tells us shall be with an *Advice to the Judges and Officers of the Official Courts*. Let us hear it then. And, First, He desires them to consider, *whether Christ hath Committed the Keys of the Kingdom of Heaven to their trust* ; and whether the promises, *Matth. 18. 18.* and, *Joh. 20. 23.* were made to them. Secondly, *If they say, they derive the power of the Keys from their Bishops* : He desires them to consider, *whether or no they (i. e. the Bishops) can Delegate this trust to them*. And Thirdly, *If Christ hath not, and their Bishops cannot Delegate this Authority to them* ; how dangerous is the Sin of running in *God's Name without his Mission* ? The substance of which three things, is all reducible to this one Demand ; *viz.* By what Authority do the Officials of the Ecclesiastical Courts (who are no Bishops, and

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sometimes are Lay-men) take upon them to Exercise the Power of the Keys, in the Excommunicating those who refuse to be Obedient to them; and Absolving such as yield and submit to their Jurisdiction? To which Question, if I can give a full, clear and satisfactory Answer, no more will need to be said to these Three Considerations.

First then, *To all Pastors of the Christian Church, lawfully appointed, and regularly proceeding, Christ has given the Power of the Keys; and whatsoever they shall Bind on Earth, shall be Bound in Heaven, &c. Matth. 18. 18. And whose Sins they remit, they are remitted, &c. Joh. 20. 23. Or (as Mr. Samuel Clark, a Dissenter, expounds the Text, Matth. 18. 18.) whatsoever Sentence they shall pass (viz. Lawfully and Regularly) for the Punishing the Guilty, or Absolving the Penitent; it shall be Ratified by God.* To the same purpose also, the same Mr. Clark speaks upon Joh. 20. 23. And also upon Matth. 16. 19. Nor will any Presbyterian, I believe find fault with his exposition.

Secondly, *Every Presbyter of the Establish'd Church, is a Pastor of the Christian Church*



*Church lawfully appointed* : This also I believe no Presbyterian will deny. For whatever other Faults they may find with our Establishment, I never heard that they disown'd the lawfulness of our Ministry.

Thirdly, *In every Established Church, the Exercise of this Power may lawfully be laid under such Rules, Restrictions and Limitations, as to the Governors of the Church shall appear to be necessary for Order, Decency and Edification; for the Rules that all things be done to Edifying, 1 Cor. 14. 26. And Decently and in Order, v. 40. (viz. as far as the Circumstances and State of things will admit) I take to be general, and to extend to all Religious Performances whatsoever.*

Fourthly, *As our Church is Established, it is very fit, for Order, Decency and Edification, that no Man should, by any of our Pastors be excluded from the Communion of the Church; or, being Excluded, should be admitted again without the Concurrence of the Bishop of the Diocese, or such other Person as is duly and lawfully appointed to Judge and Determine, whether it be fit and proper, that such a Per-*

*son should be so Excluded or Readmitted ;* For if this Course and Method be not observed, our *Establishment* is turn'd into Confusion ; the Episcopal Authority (whether in the Person of the Bishop, or his lawful Substitute for such things) is condemned ; and a Liberty, or at least a Plausible Pretence, given to every Presbyter, to Act Arbitrarily in such Cases: All which things (*as our Church is Established*) would most evidently be contrary to Good Order, Decency, and Edification of the People.

Fifthly, *No Sentence, either of Excommunication or Absolution, ought to be Pronounc'd by any one who is not a Pastor of the Church.* This is allowed on both sides; and suits with the Practice of the Church; where if the Bishops, Chancellor, or Official be a Lay-Person, a Presbyter is always call'd in (if the Bishop be absent) to Pronounce all such Sentences as there is occasion for them.

Sixthly, *Obstinate Disobedience to the Laws of an Establish'd Church, requiring nothing that is repugnant to the Law of God, is a just and lawful ground for Ex-*  
com-

*communicating the Person who is Disobedient* : For that every Church has a power to make such Laws within her self (and much more so, when she is Established and farther Empowered so to do, by the Civil Authority) I have shewn in my Introduction, *Seet. 5.* That they who are *Obstinately Disobedient* to the Laws of any lawful Power, under which they Live, ought to be Punished; must be allowed; or else, Laws will be of very little or no use in any Society. And that the Penalty to be inflicted, by the Church, upon such Offenders, is *Excommunication*, or an Exclusion from the visible Communion of the Church; I have also shewn in my Introduction, *Seet. 16.*

Seventhly, *The Disobedience of the Northern Presbyterians, both Ministers and People, to the Laws Established both by Church and State, concerning Marriage, is an Obsolete Disobedience* : At least, as far as I am able to Judge of the Matter, by what our Author has Written upon the Subject. For they who Disobey, and are able to give no reason for it, but that their Teachers direct them so to do (which, I believe, is

the case of many of their People, who neither have considered, nor are able to understand our Author's Arguments : ) And they who disobey, and give not only very weak and unconcluding, but also very Unfair and Disingenuous Reasons for their Disobedience (which, in my Third and Fourth Chapters I have largely shewn to be our Authors Case ; and must be his Brethrens also ; if they can Produce no better Reasons than what he has done, ) both these sorts of Persons, I say, who thus Disobey, must be concluded to do it out of a Principle of Obstinacy.

Lastly, *The Testimony of Honest Men, concerning such Disobedience, is a sufficient Ground for a Pastor of the Church, (after mature enquiry and deliberation) to Pronounce the Sentence of Excommunication against the Disobedient Person :* For if this were not so, no Man could be Excommunicated for any Crime, except the Pastor himself had seen him Commit it. If therefore the *Official* himself be a *Presbyter*, he has warrant sufficient, upon good proof, to Proceed to Excommunication. But if he be a Lay-man ; his own Testimony,

mony, and that of the Register (who are both Sworn Officers) that all the Proceedings of the Court, in such a case, have been Lawful and Regular, together, with the Inspection and Examination of the Records of the Court, and farther enquiry into the matter, if any doubt do arise, are a Ground good enough for any other Presbyter, who is called in, to pass the same Sentence.

Sect. 8. And thus I have fully Answered all that is to the purpose, in his three first Considerations. In his Fourth, *pag. 69.* he objects several things, which (after all that has been hitherto said) will soon be dispatch'd :

As first, *The Judging by Popish Canon Laws.* To which I have fully Answered, *Chap. 4. Sect. 29.*

Secondly, *The bringing in Civil Causes in the Ecclesiastick Courts.* To which I answer, that this is no farther done than the Law of the Land appoints : Nor is it unlawful for *Ecclesiastical* Persons to act in a *Civil* capacity, where the Law gives them power so to do.



Thirdly, That *the love of Money manageth every thing in Them*, that is in the Ecclesiastick Courts : To which Calumny, I have given a sufficient Answer, Chap. 1. Sect. 7.

Fourthly, That the Apostolick and Primitive Churches did never exercise any *Secular Power*, or employ the same against those whom they had cut off from the Communion of the Church. A wonderful Discovery. As if every body did not know, that for the first Three Hundred Years after Christ, the Church was so far from being upheld by the *Secular Power*, that it was always discountenanced, and often Persecuted by it : But soon after the Empire became Christian, the Case was much altered; and many Civil Laws were made to enforce the Constitutions of the Church. But, says he, *Used they (viz. the Primitive Churches) any Canons but these of the Holy Scriptures, to guide them in Discipline or Doctrine?* Why he brings in Doctrine here, I know not ; But to his Question I answer ;

First, That *neither the Primitive nor our Establish'd Church*, either did, or does take

take any Rule, but the Holy Scriptures alone, for the Determining what Doctrine or Discipline is necessary to Salvation; or to the Being of a Christian Church.

Secondly, Neither did they, nor do we allow any Doctrine to be Taught, or Discipline to be Exercised that is contrary to, or inconsistent with the Doctrine or Discipline that is Taught or Prescribed in the Holy Scriptures.

Thirdly, As the Primitive Christians, in their Writings, often made use of Arguments, Topicks, and Propositions; grounded upon Solid Reason alone; for the better enforcing of those Doctrines which are Taught in the Holy Scriptures; so did they, as occasion required, Establish divers Rules among themselves (which prudence only suggested from the then present State and Circumstances of things) for the more effectual maintaining and keeping up of that holy Discipline, which the same Scriptures had prescribed unto them.

Fourthly, As the Church is vested with a power of turning such prudential Rules as these, into Laws (as I have shewn in my Introduction, Sect. 5.) and enforcing them  
under

*under the penalty of Exclusion from her visible Communion* (as I have also shewn in the same *Introduction*, Sect. 16.) *so is it evident, that in process of time, She every where made use of that Power; and Excluded such Persons from her Communion, as disturbed her Peace and Order; by disobeying those wholesome Canons which, in her general or particular Councils, were from time to time Established: And, altho' in long tract of time, diverse Corruptions, under the pretence of the Churches Authority, began to get footing in Christendom; yet that Church which banishes all these Corruptions, but at the same time asserts that Power which is necessary, if not to the being, yet to the well-being of every Church; is not, at all, to be blamed for so doing. And this is all that is necessary to be returned to his fourth Consideration; only I must add, that when he began to Write his Book, if he had seriously considered, that we must all appear before the Judgment-Seat of Christ, &c. 2 Cor. 5. 10. (as he here desires we may all believe that we must, pag. 70.) I cannot but think, that he would much better have weighed*

weighed many things which he has advanced, than he appears to have done.

Sect. 9. To his last Paragraph, directed chiefly to the *Laity*; tho' he also names the *Clergy*. I answer;

First, That I willingly subscribe to what he Quotes from Dr. *Tillotson*, in praise of *Moderation* : But then, it must be such a *Moderation* as that great Man Commends, *viz.* which tends to *the firm Establishment of our Church*; and not to the subverting of our Laws, both Ecclesiastical and Temporal; which would very much weaken, if not wholly ruin her. A tender and compassionate regard to those who err, not out of perverseness, but weakness of Judgment, I own indeed, to be a very Commendable Quality : But to neglect such Laws as have been Enacted or Ratified by the Supreme Authority, both of Church and State; and Established upon the most prudent Considerations; and, without any Repeal of them, to give them up meerly to the humour and passion of those Men, who by Calumnies, and most false and disingenuous suggestions, do openly strike at our very Constitution (as by many instances

ces I have shewn our Author to have done) is a sort of *Moderation*, that no good Subject, or good Christian can ever approve of.

Secondly, I do from my Soul acknowledge, not only the positive Obligation, but also the unquestionable Equity of that Rule which our Blessed Saviour has laid down, *Matt. 7. 12.* Provided it be rightly understood; *viz.* that *whatsoever*, with good reason and Conscience, *we would that other Men should do unto us*, if we were in their Case, and they in ours; *even so we should do unto them* : I ought therefore; and most willingly, and impartially I will (as our Author seems to desire) make their Case my own; and declare what I think I could *reasonably, and with a good Conscience* desire upon that Supposition. If then I lived in any place where my Conscience would not allow me to Conform to any of the Established Laws, whether Ecclesiastical or Civil; I should think it fair, in the most modest and becoming Terms, to represent to the Government the Reasons of my Non-Conformity; and humbly, to entreat them, either to alter their Laws, or else to dispense with, or connive at my not Obey-



Obeying them. If the Government granted either the one or the other of these Requests, I should think my self bound to be highly thankful for such a favour and Condescension : But if they thought themselves as much Oblig'd to preserve their Laws, and put them in Execution, as I did my self, not to be Obedient to them: I see no reason why their Conscience should yield to mine; any more than mine to theirs: And therefore, if the Case stood thus; all that I could fairly desire, would be, that I might be permitted to sell and make the best of my Substance; and have liberty to depart to some other Country where the Laws were more agreeable to my judgment of things. But if I should rail at the Laws and Government; and not only refuse to give Obedience to them, even in those Instances which were not against my Conscience; but also endeavour by false Reasonings and Allegations to make a Party against them; my reason and Conscience would tell me that I ought to be punish'd as an Incendiary.

Thirdly, To call putting the Established Laws in Execution, an *invading Mens natural*

*natural and Civil Rights* (as our Author so plainly does) is an Insolence that, I think, ought to be Resented by any Government.

Fourthly, There may be very good reason for making that Law against which he levels his next Insinuation, *viz.* that no Man shall *enjoy any Office of Trust, Civil or Military*, except he Testifies his Conformity to the Establish'd Church; by Receiving the Holy Communion, according to the Book of Common-Prayer (altho' there was no such Law made in this Kingdom, at the time when his Book was published) for reason of State may, not only require this, but it may also well be look'd upon as a likely way to bring such Men the more effectually to sincere Vertue and Piety : Very few Men being so Impious, as to dare to approach to that holy Ordinance, without first preparing themselves for it, by Prayer, Self-Examination, and other holy Exercises. If we want better Laws, for the suppressing of *Immorality*, I hope God, will put it into the Hearts of our Law-makers soon to Enact them : But in the mean time, there is

no just reason to find fault with them, for taking all Prudent Methods to support and countenance the Establish'd Church (as by Law it now stands Constituted and settled) in opposition to those, whose design, most plainly it is, to overthrow, if they can, its Legal Constitution.

Fifthly, What King *Charles* the II. promised in his *Declaration*, *Anno*, 1660: I know not; having it not now by me to consult: But this I presume, that that Declaration was never design'd to make any Alteration in the Establish'd Law, without the Concurrence of the Parliament. And if the things, which he mentions out of that Declaration, had been so Enacted, I cannot see, how his, or his Parties Case would, at all, be the better for it.

Lastly, That to *separate* or *distinguish* things necessary from the unnecessary: And that in things unnecessary (*i. e.* not necessary to Salvation) there may be such *Christian Liberty* allow'd, as that the Church of *Rome*, or any other Particular Church, may not impose her Rules or Doctrines upon other Churches (which is all that *Cassanbon* Pleads for, in that Part of his *Epistle*

*Epistle to Cardinal Perron*, which our Author quotes;) all this, I say, is very reasonable. But that a National Church (even with the Concurrence of the Civil Authority) should either not make Laws for Order and Decency within it self; or should suffer such Laws, when made, to be Despised and Trampled upon; does not appear to have been the Opinion of that Learned Man; or of King *James the First*, by whose direction that *Epistle* was Writ: Altho' therefore it was very proper, for Mr. *Chillingworth* (who Wrote against the Papists) to set down this Passage in the Title Page of his Book; yet what use can be made of it against the Establish'd Church, except it be first Distorted and Misapplied. I am not able to find our:



Besides a few literal mistakes of less moment; the Reader is desired to Correct the following Errors. *Pref.* p. 2. l. 3. ult. read *Definition*. p. 3. l. 7. r. *Occurs*. p. 56. l. 1. r. *greek* p. 82. l. 7. r. *this*, p. 86. l. 3. r. *last*. p. 110. l. 9. r. *for*. p. 147. l. 10. r. *set*. p. 148. l. 4. r. *Christians*. p. 284. l. 8. r. *is*.

